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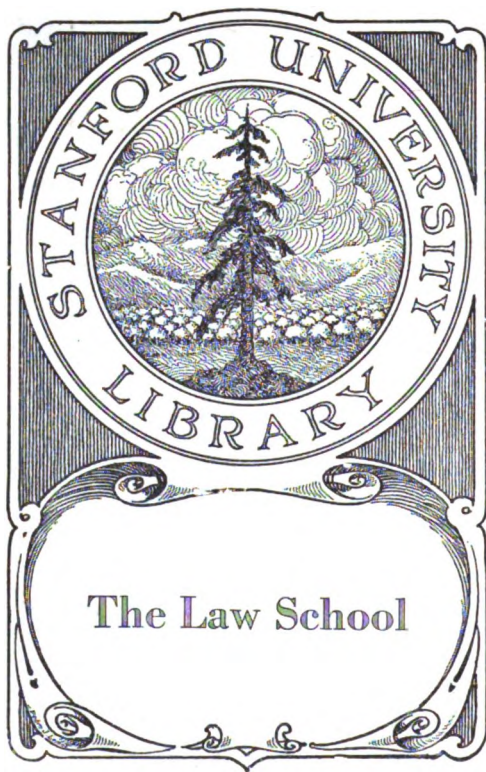
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ACTS

OF THE

PARLIAMENT OF THE UNITED KINGDOM

OF

GREAT BRITAIN AND IRELAND

PASSED IN THE SESSION HELD IN THE

50TH AND 51ST YEARS OF THE REIGN OF HER MAJESTY,

QUEEN VICTORIA,

BEING THE SECOND SESSION OF THE TWENTY-FOURTH PARLIAMENT OF THE
UNITED KINGDOM.



OTTAWA:

PRINTED BY BROWN CHAMBERLIN,

LAW PRINTER (FOR CANADA) TO THE QUEEN'S MOST EXCELLENT MAJESTY.

ANNO DOMINI, 1888.

L11218

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51 VICTORIA.

CHAP. 67.

An Act to amend the Superannuation Acts, 1834 and 1859;
and for other purposes.

[16th September, 1887.]

ARRANGEMENT OF SECTIONS.

Section.

1. Grant of gratuity or allowance to injured civil servant.
2. Power to grant retiring allowance to persons removed.
3. Reckoning of temporary services.
4. Compassionate gratuity on retirement of persons not entitled to superannuation.
5. Provision against double pensions.
6. Regulations as to officers receiving half-pay or retired pay.
7. Provisions as to lunatics.
8. Distribution of money not exceeding one hundred pounds without probate.
9. Decision of Treasury.
10. Saving for existing interests.
11. Laying of warrant and minutes before Parliament.
12. Definitions.
13. Short titles.
14. Repeal.

SCHEDULE.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

GRANT OF GRATUITY OR ALLOWANCE TO INJURED CIVIL SERVANT.

1.—(1.) Where a person employed in the civil service of the state is injured—

(a.) In the actual discharge of his duty ; and—

VOL. I—A½

Grant of gratuity or allowance to injured civil servant.

Superannuation Act, 1887.

(b.) Without his own default; and—

(c.) By some injury specifically attributable to the nature of his duty,—

the Treasury may grant to him, or, if he dies from the injury, to his widow, his mother, if wholly dependent on him at the time of his death, and to his children, or to any of them, such gratuity or annual allowance as the Treasury may consider reasonable, and as may be permitted by the terms of a warrant under this section :

(2.) The Treasury shall forthwith after the passing of this Act frame a warrant regulating the grant of gratuities and annual allowances under this section, and the warrant so framed shall be laid before Parliament :

(3.) Provided that a gratuity under this section shall not exceed one year's salary of the person injured, and an allowance under this section shall not, together with an superannuation allowance to which he is otherwise entitled, exceed the salary of the person injured, or three hundred pounds a year, which ever is less.

POWER TO GRANT RETIRING ALLOWANCE TO PERSONS REMOVED.

Power to grant retiring allowance to persons removed.

2.—(1.) Where a civil servant is removed from his office on the ground of his inability to discharge efficiently the duties of his office, and a superannuation allowance cannot lawfully be granted to him under the Superannuation Acts, 1834 and 1859, and the Treasury think that the special circumstances of the case justify the grant to him of a retiring allowance, they may grant to him such retiring allowance as they think just and proper, but in no case exceeding the amount for which his length of service would qualify him under sections two and four of the Superannuation Act, 1859, without any addition under section seven of that Act :

(2.) A minute of the Treasury granting an allowance under this section to any civil servant shall set forth the amount of the allowance granted to him, and the reasons for such allowance, and shall be laid before Parliament: Provided that the Treasury before making the grant shall consider any representation which the civil servant removed may have submitted to them.

RECKONING OF TEMPORARY SERVICES.

Reckoning of temporary services.

3. Where a person at the time he becomes a civil servant within the meaning of this Act is serving the State in a temporary capacity, the Treasury may if, in their opinion any special circumstances of the case warrant such a course, direct that his service in that capacity may be reckoned for

Superannuation Act, 1887.

the purposes of the Superannuation Acts, 1834 and 1859, and this Act, as service in the capacity of a civil servant, and it shall be so reckoned accordingly.

COMPASSIONATE GRATUITY ON RETIREMENT OF PERSON NOT ENTITLED TO SUPERANNUATION.

4 If a person employed in any public department in a capacity in respect of which a superannuation allowance cannot be granted under the Superannuation Act, 1859, retires, or is removed from his employment ; and—

Compassionate gratuity on retirement of persons not entitled to superannuation.

- (a.) The employment is one to which he was required to devote his whole time ; and—
- (b.) The remuneration for the employment was paid entirely out of the moneys provided by Parliament ; and—
- (c.) He has served in the employment for not less than seven years, if he is removed in consequence of the abolition of his employment, or for the purpose of facilitating improvements in the organization of the department by which economy can be effected, or for not less than fifteen years if his retirement is caused from infirmity of mind or body, permanently incapacitating him from the duties of his employment,—

the Treasury may, if they think fit, grant to him a compassionate gratuity not exceeding one pound or one week's pay, whichever is the greater, for each year of his service in his employment.

5. A person shall not be entitled to reckon the same period of time both for the purpose of a superannuation allowance under the Superannuation Acts, 1834 and 1859, and this Act, and also for the purpose of naval or military non-effective pay.

Provision against double pensions.

REGULATIONS AS TO OFFICERS RECEIVING HALF-PAY OR RETIRED PAY.

6.—(1.) The Treasury may, within one month after the passing of this Act, frame rules as to the conditions on which any civil employment of profit under any public department as defined by this Act, or any employment of profit under the Government of any British possession, or any employment under the Government of any foreign state may be accepted or held by any person who is in receipt of or has received any sum granted by Parliament for the pay, half pay, or retired pay of officers of Her Majesty's naval or land forces, or otherwise for payment for

Regulations as to officers receiving half-pay or retired pay.

Superannuation Act, 1887.

past service in either of such forces, or who has commuted the right to receive the same, and as to the effect of such acceptance or holding on the said pay or sum, and the Treasury may in such rules provide for the enforcement thereof by the forfeiture, suspension, or reduction of any such pay or sum as aforesaid, or of any commutation money or remuneration for such employment :

(2.) Such rules shall also provide for the returns to be laid before Parliament of such officers accepting employment as are affected by the rules, and shall come into operation at the date of the passing of this Act :

(3.) The rules shall be laid before both Houses of Parliament forthwith :

(4.) For the purposes of this section "British possession" means any part of Her Majesty's dominions out of the United Kingdom, and this section shall apply to Cyprus as if it were a British possession.

PROVISION AS TO LUNATICS.

Provisions as
to lunatics.

7.—(1.) Where any sum in respect of pay, pension, superannuation, or other allowance or annuity is due in respect either of service as a civil servant, or of military or naval service, to a person who is a lunatic, whether so found by inquisition or not, such sum may be, from time to time, applied for his benefit by the prescribed public department in such manner as the department think expedient :

(2.) Where any annuity, whether pension, superannuation, or other allowance, is payable out of moneys provided by Parliament to a person in respect either of service, as a civil servant, or of military or naval service and such person is or becomes a lunatic towards whose maintenance a contribution is made out of money provided by Parliament, then as long as the contribution is made his annuity shall be reduced by an amount equal to that contribution, and if the amount of the contribution exceeds the amount of the annuity, the annuity shall cease to be payable.

DISTRIBUTION OF MONEY NOT EXCEEDING £100 WITHOUT PROBATE.

Distribution
of money not
exceeding one
hundred
pounds with-
out probate.

8. On the death of a person to whom any sum not exceeding one hundred pounds is due from a public department in respect of any civil pay, superannuation, or other allowance, annuity or gratuity, then, if the prescribed public department so direct, but subject to the regulations (if any) made by the Treasury, probate or other proof of the title of the personal representative of the deceased person may be

Superannuation Act, 1887.

dispensed with, and the said sum may be paid or distributed to or among the persons appearing to the public department to be beneficially entitled to the personal estate of the deceased person, or to or among any one or more of those persons or in case of the illegitimacy of the deceased person or his children, to or among such persons as the department may think fit, and the department shall be discharged from all liability in respect of any such payment or distribution.

DECISION OF TREASURY.

9. The decision of the Treasury on any question which arises as to the application of any section of this Act to any person, or as to the amount of any allowance or gratuity under this Act, or as to the reckoning of any service for such allowance or gratuity, shall be final. Decision of Treasury.

SAVING FOR EXISTING INTERESTS.

10. Nothing in this Act shall be construed so as in any way to interfere with the rights existing at the passing of this Act of any civil servant then holding office. Saving for existing interests.

LAYING OF WARRANT AND MINUTES BEFORE PARLIAMENT.

11. Every warrant and minute under this Act which is required to be laid before Parliament shall be laid before both Houses of Parliament in manner provided by section thirteen of the "Superannuation Act, 1859." Laying of warrant and minutes before Parliament.

DEFINITIONS.

12. In this Act, unless the context otherwise requires,—
The expression "civil servant" means a person who has served in an established capacity in the permanent civil service of the state within the meaning of section seventeen of the "Superannuation Act, 1859." Definitions.

The expression "Treasury" means the commissioners of Her Majesty's Treasury.

The expression "public department" means the Treasury, the commissioners for executing the office of Lord High Admiral, and any of Her Majesty's principal secretaries of state, and any other public department of the Government; and the expression "prescribed public department" means, as respects any matter the department prescribed for the purpose of that matter by the Treasury.

SHORT TITLES.

13. The Act of the session of the fourth and fifth years of the reign of King William the fourth, chapter twenty- Short titles.

Superannuation Act, 1887.

four, intituled "An Act to alter, amend, and consolidate the laws for regulating the pensions, compensations and allowances to be made to persons in respect of their having held civil offices in His Majesty's service," is in this Act referred to and may be cited as the "Superannuation Act," 1834, and that Act and the Superannuation Act, 1859, are together in this Act referred to as the Superannuation Acts, 1834 and 1859.

The said Acts and this Act may be cited together as the "Superannuation Act, 1834 to 1887," and this Act may be cited separately as the "Superannuation Act, 1887."

Repeal.

14. The Acts set forth in the schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned as from the passing of this Act, without prejudice to anything previously done or suffered in pursuance of the enactments hereby repealed.

SCHEDULE—ACTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
4-6 Will. IV, c. 24.	An Act to alter, amend, and consolidate the laws for regulating pensions, compensations, and allowances to be made to persons in respect of their having held civil offices in His Majesty's service.	Sec. 16.
6-7 Will. IV, c. 13.	An Act to consolidate the laws relating to the constabulary force in Ireland.	Sec. 30.
7 Will. IV, and 1 Vic, c. 25.	An Act to make more effectual provisions relating to the police in the district of Dublin metropolis.	Sec. 19.
2-3 Vic, c. 47.	An Act for further improving the police in and near the metropolis	Sec. 19.
2-3 Vic, c. 93.	An Act for the establishment of county and district constables by the authority of justices of the peace.	Sec. 11.
22 Vic, c. 26.	The Superannuation Act, 1859.	Sec. 5.
22-23 Vic, c. 32.	An Act to amend the law concerning the police in the counties and boroughs in England and Wales.	Sec. 27.
31-32 Vic, c. 90.	An Act to empower certain public departments to pay otherwise than to executors or administrators small sums due on account of pay or allowances to persons deceased.	The whole Act.
33-34 Vic, c. 96.	An Act to apply a sum out of the Consolidated Fund to the service of the year ending the thirty-first day of March, one thousand eight hundred and seventy-one, and to appropriate the supplies granted in this session of Parliament.	Sub-sections 4, 5 and 6 of sec. 6.
35-36 Vic, c. 12.	The Superannuation Act, 1872.	The whole Act.



51 VICTORIA.

CHAP. 62.

An Act to amend in certain minor particulars some of the enactments relating to Merchant Shipping and Seamen.

[16th September, 1857.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1). This Act may be cited as the Merchant Shipping (Miscellaneous) Act, 1887. Short title and construction.

(2.) This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same, and this Act and those Acts may be cited collectively as the Merchant Shipping Acts, 1854 to 1887.

2. Whereas by section seven of the Merchant Shipping Act Amendment Act, 1862, it is provided that the fees payable by applicants for examination for certificates of competency as engineers shall be carried to the account of the Mercantile Marine Fund, and at the time of the passing of that Act the salaries of the surveyors, by whom the examinations are conducted, were paid out of the Mercantile Marine Fund; Fees on examinations of engineers to be paid to Mercantile Marine Fund, 25-28 V., c. 63, s. 7.

And whereas by section thirty-nine of the Merchants Shipping Act, 1876, it was provided that the salaries of the said surveyors should be paid out of moneys provided by Parliament and by section four of the Merchant Shipping (Fees and Expenses) Act, 1880, it was provided that the fees paid by the said applicants for examination for certificates of competency as engineers should be paid into the Exchequer; 39-40 V., c. 80, s. 39. 43-44 V., c. 22, s. 4.

And whereas under section three of the Merchants Shipping (Expenses) Act, 1882, the salaries of the said surveyors are charged on and paid out of the Mercantile Marine Fund, and it is expedient that the fees paid by the said applicants for examination should be carried to the account of the 45-46 V., c. 55, s. 3.

Merchant Shipping and Seamen Act.

Mercantile Marine Fund: be it therefore enacted as follows:—

The fees payable in pursuance of section seven of the Merchant Shipping Act Amendment Act, 1862, shall cease to be payable into the Exchequer, and all such of those fees as have been levied since the first day of April, one thousand eight hundred and eight-three, or are hereafter levied, shall be carried to the account of the Mercantile Marine Fund.

Explanation
of 17 18 V., c.
104, s. 31, as
to powers of
Colonial Gov-
ernors.

3. Whereas doubts have been expressed as to the result of the powers conferred by section thirty-one of the Merchant Shipping Act, 1854, on certain colonial authorities, and it is expedient to remove those doubts: Be it therefore enacted that the powers conferred by that section on the Governor, Lieutenant Governor or other person administering the Government in a British possession shall include and be deemed to have always included the following powers, namely:—

(a.) Power to approve a port or place within the possession for the registry of ships; and—

(b.) Power to appoint surveyors within the limits of the possession to survey and measure ships for registry or re-registry as British ships in accordance with the provisions of the Merchant Shipping Act, 1854 to 1887.

Public Re-
cord Acts to
apply to re-
cords in cus-
tody of Re-
gistrar Gen-
eral of seamen.

4. All documents which, under section two hundred and seventy-seven of the Merchant Shipping Act, 1854, or any enactment amending the same, are required to be recorded and preserved by the Registrar General of seamen shall be deemed to be public records and documents within the meaning of the Public Record Offices Acts, 1838 and 1877 and those Acts shall, where applicable, apply to such documents in all respects as if such documents had been specifically referred to in the said Acts.

Explanation
of meaning of
lighthouses.

5. In the Merchant Shipping Act, 1854, and the Acts amending the same the expression "lighthouses" shall in addition to the meaning assigned to it by the Merchant Shipping Act, 1854, include sirens and all other descriptions of fog signals and the expression "new lighthouse" shall include the addition to any existing lighthouse of any improved light or any siren, or any description of fog signal.

Repeal.

6. The enactments mentioned in the schedule to this Act are hereby repealed to the extent appearing in the third column of that schedule:

Merchant Shipping and Seamen Act.

Provided that the repeal of any enactment by this Act shall not affect the validity of anything done or any right acquired or liability incurred before the commencement of this Act under the repealed enactment and that proceedings for enforcing any such right or liability may be commenced, continued, and completed as if this Act had not passed.

SCHEDULE.

Section 6.

REPEAL.

Session and Chapter.	Title.	Extent of Repeal.
14 & 15 Vict., c. 102...	The Seaman's Fund Winding-up Act, 1851.....	Section forty-eight.
43 & 44 Vict., c. 22...	The Merchant Shipping (Fees and Expenses) Act, 1880.....	Section four.

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51 VICTORIA.

CHAP. 70.

An Act to amend the Appellate Jurisdiction Act, 1876.

[16th September, 1887.]

39-40 V., c.
59.

WHEREAS it is expedient to amend the Appellate Jurisdiction Act, 1876:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled and by the authority of the same as follows:—

Lord of Appeal may take his seat during prorogation.

1. Whereas it is expedient that any Lord of Appeal, as defined by the Appellate Jurisdiction Act, 1876, notwithstanding that he may not be a Lord of Appeal in Ordinary within the meaning of that Act should be empowered to take his seat and the oaths at the sittings of the House of Lords for hearing and determining appeals during the prorogation of Parliament: Be it enacted that notwithstanding anything in the eighth section of the said Act contained every Lord of Appeal shall be empowered to take his seat and the oaths at any such sittings of the House of Lords during prorogation.

Retired Lord of Appeal in ordinary may sit in House of Lords.

2. The sixth section of the Appellate Jurisdiction Act, 1876, shall be construed and take effect as well in respect of any Lord of Appeal in Ordinary heretofore appointed under that Act as of any such Lord hereafter appointed so as to entitle any person so appointed to sit and vote as a member of the House of Lords during his life as fully as if the words "during the time that he continues in his office as a Lord of Appeal in Ordinary and no longer" had been omitted from the said section.

Amendment of 3-4 Will. 4, c. 41.

3. The Judicial Committee of the Privy Council, as formed under the provisions of the first section of the Act of the third and fourth William the Fourth, chapter forty-one, intituled "An Act for the better Administration of Justice in His Majesty's Privy Council," shall include such members of Her Majesty's Privy Council as are for the time

Appellate Jurisdiction Act, 1887.

being holding or have held any of the offices in the Appellate Jurisdiction Act, 1876, and this Act, described as high judicial offices.

4. Any person who shall in virtue of the thirteenth section of the Act of the third and fourth William the Fourth, chapter forty-one, attend the sittings of the Judicial Committee of the Privy Council, shall be deemed to be included as member of the said Committee for all purposes and shall, if there be only one such person, be entitled to receive the whole amount of the sums by the said section provided, that is to say, eight hundred pounds for every year during which he shall so attend, but, if there shall, at any time, be two such persons they shall severally be entitled to the sum provided in the said section.

Remuneration in Judicial Committee.

5. The expression "high judicial office," as defined in the twenty-fifth section of the Appellate Jurisdiction Act, 1876, shall be deemed to include the office of a Lord of Appeal in Ordinary and the office of a member of the Judicial Committee of the Privy Council.

Amendment of 39-40 V., c. 58, s. 25.

6. This Act may be cited as the Appellate Jurisdiction Act, 1887.

Short title.

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ORDERS IN COUNCIL
OF THE
IMPERIAL GOVERNMENT
TOGETHER WITH
TREATIES NEGOTIATED
BETWEEN
HER MAJESTY, THE QUEEN
AND
FOREIGN POWERS.



OTTAWA:
PRINTED BY BROWN CHAMBERLIN,
LAW-PRINTER (FOR CANADA) TO THE QUEEN'S MOST EXCELLENT MAJESTY.
ANNO DOMINI, 1888.

ORDERS IN COUNCIL AND TREATIES.

EXTRADITION TREATY WITH THE KING OF THE BELGIANS.

AT THE COURT AT WINDSOR, THE 13TH DAY OF MAY, 1887.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.
Earl of Coventry.

|
Earl of Kintore.

WHEREAS by the "Extradition Acts, 1870 and 1873," it was, amongst other things, enacted that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions and qualifications as may be deemed expedient; and that if, by any law made after the passing of the Act of 1870 by the Legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in or suspected of being in such British possession, Her Majesty may, by the Order in Council applying the said Acts in the case of any foreign State, or by any subsequent Order, suspend the operation within any such British possession of the said Acts, or any part thereof, so far as it relates to such foreign State, and so long as such law continues in force there and no longer:

And whereas, in accordance with section 18 of "The Extradition Act, 1870," the legislature of the Dominion of Canada has, by laws passed in the years 1877 and 1882, and respectively styled "The Extradition Act, 1877," and "An Act to amend the Extradition Act, 1877," made provision for carrying into effect within the Dominion the surrender of fugitive criminals who are in, or are suspected of being in, the Dominion:

And whereas a Treaty was concluded on the twentieth day of May, one thousand eight hundred and seventy-six, between Her Majesty and the King of the Belgians, for the mutual extradition of fugitive criminals, in the case of which Treaty the above mentioned Acts of Parliament were applied by an Order in Council of the twenty-first day of July, one thousand eight hundred and seventy-six:

Extradition Treaty with the King of the Belgians.

And whereas a Declaration was concluded on the twenty-third day of July, one thousand eight hundred and seventy-seven, between the Government of Her Majesty and the Government of His Majesty the King of the Belgians, extending the provisions of the above mentioned Treaty to certain additional crimes in the case of which Declaration the above mentioned Acts of Parliament were applied by an Order in Council of the thirteenth day of August, one thousand eight hundred and seventy-seven :

And whereas a Declaration was concluded on the twenty-first day of April, on thousand eight hundred and eighty-seven, between the Government of Her Majesty and the Government of His Majesty the King of the Belgians, for amending Article I of the above mentioned Treaty, which Declaration is in the terms following :—

“The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and the Government of His Majesty the King of the Belgians, being desirous to provide for the more effectual repression of crimes and offences in their respective territories, have agreed as follows :—

“ARTICLE I.

“The words ‘except as regards Great Britain, native-born or naturalized subjects of Her Britannic Majesty, and except as regards Belgium, those who are by birth, or who may have become citizens of Belgium,’ which occur in Article I of the Extradition Treaty of the 20th May, 1876, are suppressed.

ARTICLE II.

The following paragraph is added to Article I of the said Treaty :—

“In no case, nor on any consideration whatever, shall the High Contracting Parties be bound to surrender their own subjects, whether by birth or naturalization.”

ARTICLE III.

The present Declaration shall come into force ten days after its publication in the manner prescribed by law in the respective countries.

In witness whereof the undersigned have signed the same, and have affixed thereto the seal of their arms.

Done at London, the 21st day of April, 1887.

(L.S.) SALISBURY.
(L.S.) SOLVYNS.

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Acts, doth order, and it is hereby ordered, that from and after the thirtieth day of May, one thousand eight hundred and eighty-seven, the said Acts shall apply in the case of the said Declaration of the twenty-first day of April, one thousand eight hundred and eighty-seven, with the Government

Extradition Treaty with the King of the Belgians, &c.

Government of His Majesty the King of the Belgians, as fully, to all intents and purposes, as in the case of the said recited Treaty of the twentieth day of May, one thousand eight hundred and seventy-six, and of the aforesaid Declaration of the twenty-third day of July, one thousand eight hundred and seventy-seven :

Provided always, and it is hereby further ordered, that the operation of the said Acts shall be suspended within the Dominion of Canada so far as relates to the Kingdom of Belgium and to the said declaration of the twenty-first day of April, one thousand eight hundred and eighty-seven, and so long as the provisions of the Canadian Acts aforesaid continue in force, and no longer.

C. L. PEEL.

AT THE COURT AT WINDSOR, THE 3RD DAY OF MAY, 1882.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by treaty, capitulation, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has power and jurisdiction in relation to Her Majesty's subjects and others in the Ottoman dominions :

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1843 to 1878, or otherwise, in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

Short Titles.

1. (a.) This Order may be cited as the Ottoman Order in Council, 1882;
- (b.) The Order in Council made at Windsor, the 12th day of December, 1873, for the regulation of consular jurisdiction in the Ottoman dominions, may be cited as the Ottoman Order in Council, 1873;
- (c.) That Order and this Order may be cited together as the Ottoman Order in Council, 1873 and 1882.

Commencement.

2. This Order shall commence and have effect from and immediately after the 31st day of May, 1882.

Interpretation.

3. In this Order—

“ Her Majesty's ambassador ” includes Her Majesty's *Chargé d'Affaires*, or other chief diplomatic representative in the Ottoman dominions for the time being.

“ Administration ” means letters of administration, including the same with will annexed, or granted for special or limited purposes.

Ottoman Order in Council.

"Ship" includes any vessel used in navigation, howsoever propelled, with her tackle, furniture and apparel, and any boat or other craft.

"Ottoman waters" means the territorial waters of the Ottoman dominions.

Other words have the same meaning as in the Ottoman Order in Council, 1873.

Repeal.

4. The following parts of the Ottoman Order in Council, 1873, are hereby repealed:—

- (a.) Article 11. The last two paragraphs;
- (b.) Article 12. The last paragraph;
- (c.) Article 13. The words "and for that purpose shall have the like jurisdiction and authority as the assistant judge;"
- (d.) Article 93;
- (e.) Article 266. In the first paragraph the words "the judge of;" and the last paragraph.

Assistant Judge of Supreme Court.

5.—(a.) The assistant judge of the Supreme Court shall be, at the time of his appointment, a member of the bar of England, Scotland and Ireland, of seven years' standing;

(b.) The assistant judge shall hear and determine such causes and matters, civil and criminal, and transact such other part of the business of the Supreme Court as the judge of the Supreme Court, from time to time, by general order or otherwise, directs;

(c.) For that purpose the assistant judge shall have all the like jurisdiction, power, and authority as the judge;

(d.) Any party to a civil suit or proceeding, wherein any matter or question is heard and determined by the assistant judge, and any party to a criminal proceeding, other than a proceeding by summary trial, wherein any question of law is heard and determined by the assistant judge, shall be entitled, as of course, to a re-hearing of the matter or question aforesaid before the judge, sitting with the assistant judge, or, in the unavoidable absence of the assistant judge, alone; provided that an application for the re-hearing be made within three days after the day of the decision of the assistant judge;

(e.) If, on any such re-hearing, there is a difference of opinion between the judge and the assistant judge, the opinion of the judge shall prevail.

Acting Judge or Acting Assistant Judge of Supreme Court.

6. In case of the death or illness, or the absence or intended absence from the district of the consulate-general of Constantinople, of the judge or assistant judge of the Supreme Court, Her Majesty's ambassador may appoint a fit person to be the acting judge, or to be the acting assistant judge, as the case may require; but, unless in any case the Secretary of State

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State otherwise directs, the assistant judge, if present, and able to act shall, always be appointed to be the acting judge.

Offences on Board Ship.

7. Section eleven of the Merchant Shipping Act, 1867, is hereby extended to the Ottoman dominions, with such adaptations and modifications that the same will, as regards those dominions, read as follows (namely):—

If in the Mediterranean Sea, or the sea of Azof, or if in the Adriatic, ~~Ægean~~, or Black Sea, out of Ottoman waters, a British subject commits an offence on board of a British ship, or on board of a foreign ship to which he does not belong, the Supreme Court, sitting within the district of the consulate-general of Constantinople, shall have jurisdiction to hear and determine the case as if the offence had been committed on board a British ship in Ottoman waters; and the Supreme Court may exercise that jurisdiction accordingly if in any case the court, in its discretion, having regard to all the circumstances, thinks it fit and expedient so to do.

Detention of Ship.

8. Where the Supreme Court issues a summons or warrant against any person on a charge of an offence committed on board of or in relation to a British ship, then, if it appears to the court that the interest of public justice so require, the Supreme Court may issue a warrant or order for the detention of the ship, being within the district of the consulate-general of Constantinople, and may cause the ship to be detained accordingly, until the charge is heard and determined and the order of the court thereon is fully executed, or for such shorter time as the court thinks fit; and the Supreme Court shall have power to make, from time to time, all such orders as appear to it necessary or proper for carrying this provision into effect.

Offences Partly out of Jurisdiction.

9. The Admiralty Offences Colonial Act, 1860, is hereby extended to the Ottoman dominions, with such adaptations and modifications that the same will, as regards those dominions and the jurisdiction of the court, read as follows (namely):—

When a person, being feloniously stricken, poisoned, or otherwise hurt, in the Ottoman dominions, dies of such stroke, poisoning, or hurt, on the sea, or out of the Ottoman dominions, then every offence committed in respect of any such case, whether amounting to murder or to manslaughter, or to the being accessory before the fact to murder, or after the fact to murder or to manslaughter, may be dealt with, inquired of, tried, determined, and punished in the Ottoman dominions in all respects as if such offence had been wholly committed in the Ottoman dominions.

Fugitive Offenders.

10. The Fugitive Offenders Act, 1881, except part II thereof, or so much thereof, except that part, as is for the time being in force, and any enactment

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enactment for the time being in force amending or substituted for the same, are hereby extended to the Ottoman dominions, with the adaptations following, namely :

(i.) Her Majesty's Ambassador is hereby substituted for the Governor of a British possession :

(ii.) The Supreme Court or the Court for Egypt, or the Court for Tunis (as the case requires), is hereby substituted for a Superior Court in a British possession :

(iii.) Each court under the Ottoman Order in Council, 1873, according to its jurisdiction, is substituted for a magistrate of any part of Her Majesty's dominions.

Coroners' Inquests.

11. (a.) The Supreme Court shall, for and within the district of the Consulate General of Constantinople, and the Court for Egypt shall, for and in Egypt, and the Court for Tunis shall, for and in Tunis, have and discharge all the powers, rights and duties appertaining to the office of coroner in England, in relation not only to deaths of British subjects happening in that respective district or country, but also to deaths of any persons having happened at sea on board British ships arriving in that respective district or country, and to deaths of British subjects having happened at sea on board foreign ships so arriving ;

(b.) Every inquest shall be held with a jury of not less than three persons comprised in the jury list of the court summoned for that purpose ;

(c.) If any person fails to attend according to such summons, he shall be liable to the like fine, to be levied in the like manner as is in the Ottoman Order in Council, 1873, provided with respect to juries in civil and criminal proceedings.

Jurisdiction as regards Embassy.

12. The court shall not exercise any jurisdiction in any proceeding whatsoever over Her Majesty's Ambassador, or his official or other residences, or his official or other property ; nor shall the court, except with the consent of Her Majesty's Ambassador, signified in writing to the court, exercise any jurisdiction in a civil action or proceeding over any person attached to or being a member of Her Majesty's Embassy, or being a domestic servant of Her Majesty's Ambassador.

Evidence.

13. If in any case it is made to appear to the court that the attendance of Her Majesty's Ambassador, or of any person attached to or being a member of Her Majesty's Embassy, or being a domestic servant of Her Majesty's Ambassador, to give evidence before the court, is requisite in the interest of justice, the court shall address to Her Majesty's Ambassador a request in writing for such attendance.

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14. A person attending to give evidence before the court shall not be compelled to give evidence or to produce any document if, in the opinion of Her Majesty's Ambassador, signified by him personally or in writing to the court, the giving or production thereof would be injurious to Her Majesty's service.

15. Sections seven and eleven of the Evidence Act, 1851, are hereby extended to the Ottoman dominions.

16. The following Acts (namely):

The Foreign Tribunals Evidence Act, 1856,

The Evidence by Commission Act, 1859,—

or so much thereof as is for the time being in force, and any enactment for the time being in force amending or substituted for the same, are hereby extended to the Ottoman dominions, with the adaptations following (namely):

The Supreme Court, or the Court for Egypt, or the Court for Tunis (as the case requires), is hereby substituted for a Supreme Court in a colony.

Ascertainment of Law.

17. The following Acts (namely):

The British Law Ascertainment Act, 1859,

The Foreign Law Ascertainment Act, 1861,—

or so much thereof as is for the time being in force, and any enactment for the time being in force amending or substituted for the same, are hereby extended to the Ottoman dominions, with the adaptations following (namely):

The Supreme Court, or the Court for Egypt, or the Court for Tunis (as the case requires), is hereby substituted for a Superior Court in a colony.

Probate.

18. (a). Where probate, administration or confirmation is granted in England, Ireland or Scotland, and therein, or by a memorandum thereon signed by an officer of the court granting the same, the testator or intestate is stated to have died domiciled in England, Ireland or Scotland (as the case may be), and the probate, administration or confirmation is produced to, and a copy thereof is deposited with, the Supreme Court, the court shall write thereon a certificate of that production and deposit; and thereupon, notwithstanding anything in the Ottoman Order in Council, 1873, the probate, administration or confirmation shall, with respect to the personal property in the Ottoman dominions of the testator or intestate, have the like effect as if he had been resident in those dominions at his death, and probate or administration to his personal property there had been granted by the Supreme Court;

(b.) Any person who, in reliance on an instrument purporting to be a probate, administration or confirmation granted in England, Ireland, or Scotland, and to bear such a certificate of the Supreme Court as in this article prescribed, makes or permits any payment of transfer, in good faith, shall be, by virtue of this Order, indemnified and protected in

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respect thereof, in the Ottoman dominions, notwithstanding anything affecting the validity of the probate, administration, or confirmation ;

(c) The following shall be the terms of the certificate of the Supreme court in this article prescribed (namely) :

The probate has (or these letters of administration have, or this confirmation has) been produced to this court, and a copy thereof has been deposited with this court.

19. Section fifty-one of the Conveyancing (Scotland) Act, 1874, and any enactment for the time being in force amending or substituted for the same, are hereby extended to the Ottoman dominions, with the adaptation following (namely) :—

The Supreme Court is hereby substituted for a Court of Probate in a colony.

Recovery against Ships.

20. Where money ordered by the court to be paid is due for seamen's wages, or is other money recoverable under the Merchant Shipping Acts or other law relating to ships, and the person ordered to pay is master or owner of a ship, and the money is not paid as ordered, the court, in addition to other powers for compelling payment, shall have power to direct that the amount unpaid be levied by seizure and sale of that ship.

Judicial Notice.

21. Judicial notice shall be taken of the Ottoman Order in Council, 1878, and of the several Orders in Council amending the same, passed or to be passed, and of this Order, and of the appointment of all judges, officers, and persons acting thereunder, and of their signatures, and of all seals used thereunder ; and no proof thereof shall be necessary.

And the Right Honorable the Earl Granville, one of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

AT THE COURT AT WINDSOR, THE 26TH DAY OF JUNE, 1884.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.
Lord Steward.

Secretary, Sir William Vernon
Harcourt.

Mr. Gladstone.

WHEREAS by Treaty and otherwise, Her Majesty the Queen has power and jurisdiction within China and Japan and the dominions of the King of Corea :

China, Japan and Corea Order in Council.

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1843 to 1878, and otherwise in her vested, is pleased by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows :—

1. This Order may be cited as the China, Japan and Corea Order in Council, 1884.

2. In this order—

The expression the “China and Japan Orders in Council,” means the following :—

The China and Japan Order in Council, 1865, as amended by the Orders in Council, dated the 13th May, 1869, and the 30th April, 1877 ;

The Orders in Council of the 19th June, 1868, and the 21st July, 1876, relating to consular fees ;

The China and Japan maritime Orders in Council, 1864 ;

The China and Japan Order in Council, 1878 ;

The China and Japan Order in Council, 1881 ;

The Shanghai shipping registry Order in Council, 1888 ;

And any Order in Council amending or extending this or any of the above-mentioned Orders in Council.

The expression “Corea” means the Dominions for the time being of the King of Corea, including the territorial waters thereof.

Other expressions to which meanings are assigned by the China and Japan Orders in Council have the same meanings in this Order unless the subject or context otherwise requires.

In the China and Japan Orders in Council, and in this Order, the expression “British subject” shall include a British-protected person in so far as by treaty, capitulation, grant, usage, sufferance or other lawful means Her Majesty has jurisdiction in relation to such persons in China, Japan and Corea respectively.

This Order may be cited as the China, Japan, and Corea Order in Council, 1884.

3. Any person, for the time being, acting as consul-general, consul or vice-consul holding Her Majesty's commission for Corea or any part thereof, or any person acting temporarily with the approval of a Secretary of State, or in case of emergency appointed temporarily by or acting with the approval of Her Majesty's Minister for Corea, as and for a consul-general, consul or vice-consul as aforesaid, shall in and for such district as may be assigned by his commission or appointment, or as may be so approved hold and form a court for the purposes of this Order.

4. For the purposes and subject to the provisions of this Order—

(1.) All Her Majesty's jurisdiction exercisable, for the time being, in Corea, under the Foreign Jurisdiction Acts, shall be exercised by a court acting under this Order ;

(2.) Such jurisdiction shall be exercised under and in accordance with the provisions of the China and Japan Orders in Council, and of any rules and regulations made under the authority thereof, and for the time being in force, so far as the same are applicable, as if in those provisions expressions referring to Japan, or to any government, sovereign, person, thing or matter in or relating to Japan, referred also *mutatis mutandis*

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to Corea, and to the corresponding government, sovereign, person, thing, or matter in or relating to Corea; and for the purposes of the said Orders in Council, rules and regulations as applied by this Order, a court acting under this Order shall be deemed to be a provincial court;

(3) All powers and jurisdiction, whether original, appellate, or auxiliary, which can, under said Orders, be exercised by the Supreme Court at Shanghai, or any judge thereof in relation to Japan, or any district thereof, or provincial court therein, shall be exercisable in relation to Corea, and in any district or provincial court therein.

5. The powers and jurisdiction exercisable under this Order, or under the said Order in Council, as applied to Corea, shall, in relation to Corea, be exercised subject to the provisions of the treaty dated the 26th November, 1883, between Her Majesty and the King of Corea, and to the regulations and protocol appended to the said treaty, and to the provisions of any other treaty for the time being in force between Her Majesty and the King of Corea, and the provisions of the said treaty, regulations and protocol shall have effect as if incorporated in this Order.

6. Where, by virtue of any Imperial Act, or of any of the China and Japan Orders in Council, or this Order, or otherwise, any provisions of any Imperial Acts, or of any Orders in Council other than this Order, are applicable in China, Japan or Corea, or any forms, regulations, or procedure prescribed or established by or under any such Order or Act, in relation to any matter, are made applicable for any purpose of any of the China or Japan Orders in Council, or of this Order, such Acts, Orders, forms, regulations or procedure shall be deemed applicable, so far only as the constitution and jurisdiction of the courts and the local circumstances permit; and for the purpose of facilitating their application, they may be construed, or used with such alterations and adaptations not affecting the substance as may be necessary, and anything required to be done by or to any court, judge, officer, or authority may be done by or to a court, judge, officer, or authority having the like or analogous functions; and the seal of the consular court may be substituted for any seal required by any such Act, Order, form, regulation or procedure, and in case any difficulty occurs in the application of any such Act, Order, form, regulation, or procedure, it shall be lawful for a Secretary of State to direct by and to whom and in what manner anything to be done under such Act, Order, or regulation, is to be done, and such Act or Order shall, in its application to matters arising under the China and Japan Orders in Council, or this Order, be construed accordingly.

7. (1.) In cases of murder or manslaughter, if either the death or the criminal act which wholly or partly caused the death happened within the jurisdiction of a court acting under the China and Japan Orders in Council or this Order, such court shall have the like jurisdiction over any person, being a British subject, who is charged either as the principal offender or as accessory before the fact to murder, or as accessory after the fact to murder or manslaughter, as if both such criminal act and the death had happened within such jurisdiction;

(2.) In the case of any crime committed on the high seas, or within the admiralty jurisdiction, by any British subject on board a British ship,

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or on board a foreign ship to which he did not belong, a court acting under this Order shall have jurisdiction as if the crime had been committed within the district of such court. In cases tried under this article, no different sentence can be passed from the sentence which could be passed in England if the crime were tried there ;

(3.) The foregoing provisions of this article shall be deemed to be adaptations for the purposes of this Order, and of " The Foreign Jurisdiction Act, 1878," of the following enactments described in the first schedule to that Act (that is to say) :—

" The Admiralty Offences (Colonial) Act, 1849 ;"

" The Admiralty Offences (Colonial) Act, 1860 ;"

" The Merchant Shipping Act, 1867," section 11.

And the said enactments shall, so far as they are repealed and adapted by this article (but not further or otherwise), extend to China, Japan and Corea.

8. " The Fugitive Offenders Act, 183 ," shall apply, in relation to British subjects, to China, Japan and Corea respectively, as if such countries were British possessions, and for the purposes of part II of the said Act, and of this article, China, Japan and Corea shall be deemed to be one group of British possessions, and Her Majesty's Minister for China, Japan or Corea (as the case may be), shall have the powers of a governor or superior court of a British possession.

9. Judicial notice shall be taken of the China and Japan Orders in Council and of this Order, and of the commencement thereof, and of the appointment of consuls or other officers, and of the constitution and limits of the consular courts and districts, and of consular seals and signatures, and of any rules or regulations made or in force under the China and Japan Orders in Council or this Order, and no proof shall be required of any such matters.

The provisions of " The Evidence Act, 1851 " (14 & 15 Vic., cap. 99), sections 7 and 11, relating to the proof of judicial and other documents, shall extend and be applied for all purposes as if the courts, districts and places to which the China and Japan Orders in Council or this Order applies were in a British colony.

10. This Order shall come into operation at such time or times in China, Japan and Corea respectively as a Secretary of State, by a notice published in the *London Gazette* at or after the time of the publication therein of this Order, directs.

11. This Order shall be published in China, Japan and Corea in such manner, and printed copies thereof shall be kept for sale at the consular courts there at such prices as a Secretary of State from time to time directs.

And the Right Honorable the Earl Granville, one of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. I. PEEL.

At

Siam Order in Council.

AT THE COURT AT WINDSOR, THE 26TH DAY OF JUNE, 1884.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President,
Lord Steward,

Secretary, Sir William Vernon
Harcourt,

Mr. Gladstone.

WHEREAS Her Majesty the Queen has power and jurisdiction within the dominions of the Kings of Siam and the territories of Chiengmai, Lakon, and Lampoonchi, belonging to Siam :

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1843 to 1878, and the Act of the session of the 20th and 21st of Her Majesty, cap. 75, and otherwise in her vested, is pleased, by and with the advice of Her Privy Council, to order and it is hereby ordered as follows :—

1. This Order may be cited as the "Siam Order in Council, 1884."

2. Words in this Order have the same meanings (unless the subject or context otherwise requires as in the Siam (Foreign Jurisdiction Order in Council of 1856, the expression "the Siam Orders in Council 1856 to 1876," or the expression the "said Orders in Council means the "Siam Foreign Jurisdiction" Order in Council of 1856 the Orders in Council relating to Siam, dated respectively the 12th September, 1863, and the 10th November, 1866, and the Siam (Foreign Jurisdiction) Order in Council of 1876 ; and the said Orders in Council and this present Order are included in the expression "the Siam Orders in Council."

For all the purposes of any of the Siam Orders in Council, the expression "Siam," or "the dominions of the Kings of Siam," or any equivalent expression, includes the said territories of Chiengmai, Lakon and Lampoonchi.

The expression "the consul general" means Her Majesty's consul general at Bangkok.

The expression "a Secretary of State" means one of Her Majesty's principal Secretaries of State.

3 The consul general shall, on receipt of this Order, cause a printed copy thereof to be affixed and publicly exhibited in this court during one calendar month, and this Order shall come into operation on the expiration of one calendar month from the time when such copy is first so affixed and exhibited, but proof shall not in any proceeding or matter be required that the provisions of this article have been complied with, nor shall any act or proceeding be invalidated by any failure to comply with any of such provisions.

4. A Consul or vice consul holding Her Majesty's commission for Siam or any part thereof, or any person acting temporarily with the approval of a Secretary of State, or in case of emergency appointed temporarily by the consul general in writing as and for a consul or vice consul as aforesaid, shall in and for such district as may be assigned by his commission, or by

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any direction of a Secretary of State, hold and form a consular court, hereinafter called a district court, and shall have a seal bearing the name or description of such district, or of the place at which the court is held.

Every such district court shall, subject to the provisions of this Order, have and exercise within its district all the powers and jurisdiction which can be exercised by the consul general under the Siam Orders in Council, and the treaties or agreements for the time being in force between Great Britain and Siam.

5. An appeal may be brought from a judgment or order of a district court to the consul general in the like cases and in the like manner, and subject to the like regulations in, and subject to which an appeal can, under the said Orders in Council, be brought to the Supreme Court of the Straits Settlements; and for the purposes of this article the provisions of the said Orders in Council shall have effect as if such district court were therein mentioned instead of the consul general, and as if the consul general were therein mentioned instead of the said Supreme Court.

For the purposes of hearing and determining any such appeal, the consul general may proceed in the same manner, and shall have the same powers as if the appeal were an original proceeding instituted in his court, and he shall certify his decision to the district court, which shall give effect thereto.

6. Where an appeal is brought under this Order to the court of the consul general, a further appeal shall lie to the Supreme Court of the Straits Settlements in the like cases and manner and on the like grounds and conditions in and on which an appeal can under the said Orders in Council be brought from the consul general to the said Supreme Court.

7. In every case in which, under the said Orders in Council, a report of any proceedings, order, judgment or sentence is directed to be made to Her Majesty's principal Secretary of State for Foreign Affairs, such report, if made by a district court, shall be transmitted through the consul general, who shall transmit therewith his observations and recommendation (if any) in the matter.

8. The power of deportation under the said Order in Council shall not be exercised by a district court without the approbation in writing of the consul general.

9. Any rules, regulations, rules of practice, or tables or rates of fees made by a district court under this Order, shall not have any effect unless approved in writing by the consul general, and shall also be subject to the provisions of the said Orders in Council with respect to allowance or disallowance by a Secretary of State, in the same cases and manner as rules or regulations made by the consul general.

10. Every court acting under the Siam Orders in Council shall have power to re-hear any civil matter, and to review its judgments or orders in any case in which, in the opinion of the court, justice so requires, on such terms as to costs and otherwise as the court thinks just.

11. In any matter in which an appeal lies as of right or otherwise from any court acting under the Siam Orders in Council to the Supreme Court of the Straits Settlements, it shall be lawful for that Supreme Court, by special leave, to enlarge the time for appealing or to permit an appeal

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to be brought on such terms as to costs or otherwise as it thinks fit, although the time limited for appeal has elapsed, or any other formal requisite for an appeal has not been complied with.

12. The Governor in Council of the Straits Settlements shall have power, in the name of Her Majesty, to remit in whole or in part any sentence passed by a court exercising criminal jurisdiction under the Siam Orders in Council, and every such court shall give effect to any such remission.

13. Every court acting under the Siam Orders in Council (including the Supreme Court of the Straits Settlements in the exercise of concurrent jurisdiction under the Siam Orders in Council) shall be a court of bankruptcy, and as such shall, so far as circumstances admit, have with respect to British subjects and to Siamese subjects or foreigners submitting to the jurisdiction of the court any such civil jurisdiction in bankruptcy within the district of such court as can be exercised by any court exercising bankruptcy jurisdiction in the Straits Settlements.

14. With the consent of the government of the King of Siam, and at the request to the consul-general, a judge of the Supreme Court of the Straits Settlements may exercise at Bangkok or elsewhere within Siam any such civil or criminal jurisdiction as can, under the Siam Orders in Council, be exercised in Siam by the consul-general or a consul or vice-consul, or as can, under the said Orders in Council, or the Foreign Jurisdiction Acts, or any acts of Parliament relating to Siam or to the Straits Settlements, be exercised at Singapore or elsewhere in the Straits Settlements by the Supreme Court of the Straits Settlements in relation to the crimes committed or matters arising in Siam; and a judge acting in Siam in pursuance of this article may pass any sentence or give any judgment or make any order which could be passed, given, or made by the said Supreme Court in relation to the same offence or matter, and for the purposes of the 5th section of "The Foreign Jurisdiction Act, 1843," (or any enactment for the time being in force amending or substituted for that section) in relation to the execution of sentences, the colony of the Straits Settlements is hereby appointed as a colony in which any sentence so passed may be executed.

An appeal may be brought from a judgment or order of a judge acting under this article in the like cases and in the like manner (*mutatis mutandis*) in which an appeal might be brought if such judgment or order were given or made by the consul-general.

15. Where, in pursuance of the IXth article of the treaty between Great Britain and Siam, dated the 3rd September 1883, an appeal is brought to Bangkok from any Siamese judge or judges, commissioner or commissioners, the consul-general shall take such steps as may be necessary or as may be directed by a Secretary of State in order that the final decision on appeal may be recorded at Bangkok and duly transmitted to the court from which the appeal is brought, and in order that effect may be given thereto by such court.

16. Where, by virtue of the Siam Orders in Council or otherwise, any Imperial Acts are applicable in Siam, or any forms, regulations, or procedure prescribed or established by or under any such Order or Act in relation to any matter are made applicable to any other matter, such Acts, forms, regulations,

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regulations, or procedure shall be deemed applicable so far only as the constitution and jurisdiction of the courts acting under the Orders and the local circumstances permit, and for the purpose of facilitating their application that may be construed or used with such alterations and adaptations not affecting the substance as may be necessary, and anything required to be done by or to any court, judge, officer or authority, may be done by or to a court, judge, officer or authority, having the like or analogous functions; and the seal of the court may be substituted for any seal required by any such Act, form, regulation, or procedure.

17. (1) In cases of murder or manslaughter, if either the death or the criminal act which wholly or partly caused the death happened within the jurisdiction of a court acting under this Order, such court shall have the like jurisdiction over any British subject who is charged either as the principal offender or as accessory before the fact to murder, or as accessory after the fact to murder or manslaughter, as if both such criminal act and the death had happened within such jurisdiction:

(2.) In the case of any crime committed on the high seas, or within the admiralty jurisdiction, by any British subject on board a British ship, or on board a foreign ship to which he did not belong, a court acting under this order shall have jurisdiction as if the crime had been committed within the district of such court:

(3.) In cases tried under this article, no different sentence can be passed from the sentence which could be passed in England if the crime were tried there:

(4.) The foregoing provisions of this article shall be deemed to be adaptations, for the purposes of this Order and of "The Foreign Jurisdiction, Act, 1878," of the following enactments described in the first schedule to that Act (that is to say):—

"The Admiralty Offences (Colonial) Act, 1849."

"The Admiralty Offences (Colonial) Act, 1860."

"The Merchant Shipping Act, 1867," section 11.

And the said enactments shall, so far as they are repeated and adopted by this article (but not further or otherwise), extend to all places to which this order applies.

18. "The Fugitive Offenders Act, 1881," shall, with respect to British subjects, apply to all places to which this order applies, as if such places were British possessions, and for the purposes of part II of the said Act and of this article, all the places to which this Order for the time being applies, and the Straits Settlements, shall, for the purposes of part II of the said Act, be deemed to be one group of British possessions, and the consul shall, as regards any place within his jurisdiction, have the powers of a Governor or Superior Court of a British possession.

19. Rules and forms of procedure in civil and criminal matters in any court acting under the Siam Orders in Council, may, from time to time, be made and prescribed by the Consul General, subject to the provisions of the said Orders; but no such rules or forms shall come into operation until they have been approved, with or without alteration, by a Secretary of State; provided that—

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(1.) Any such rules or forms, if and as provisionally approved, with or without alteration, by the Chief Justice of the Supreme Court of the Straits Settlements, shall have effect pending approval or disapproval by a Secretary of State.

(2.) Until rules and forms have been made and approved, or provisionally approved, under this article in relation to any matter, any rules or forms heretofore in force or used in the court of the Consul General, or in the Supreme Court of the Straits Settlements, or in the Consular Courts of Shanghai or Japan, may be observed and used in any court acting under this Order, with such modifications as circumstances require.

20. For all the purposes of the Siam Orders in Council the expression "British subject" includes every person for the time being properly enjoying Her Majesty's protection in Siam, in so far as by treaty, capitulation, grant, usage, suffrage or other lawful means, Her Majesty has jurisdiction in Siam in relation to such persons.

And the Right Honorable the Earl Granville and the Right Honorable the Earl of Kimberley, two of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty are to give the the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

BY THE QUEEN.

A PROCLAMATION.

VICTORIA R.

WHEREAS by an Act passed in the thirty-third year of Our reign, intitled: "An Act to consolidate and amend the law relating to the Coinage and Her Majesty's Mint," it is amongst other things enacted:

That we, by and with the advice of our Privy Council, shall, from time to time, by proclamation, determine the design for any coin:

We have, therefore, thought fit to order that certain of the coins made at the mint, mentioned in the first schedule to the aforesaid Act, of the weight and fineness specified in that schedule, shall bear designs as follows:—

That every five-pound piece should have for the obverse impression our effigy, with the inscription "Victoria D. G. Britt: Reg: F. D.," and for the reverse the image of St. George armed, sitting on horse-back, attacking the dragon with a sword, and a broken spear upon the ground, and the date of the year, with a graining upon the edge; and that every two-pound piece should have the same obverse and reverse impression and inscription in all respects as the five-pound piece, with the graining upon the edge; and that every sovereign should have the same obverse and reverse impression and inscription in all respects as the five-pound piece, with a graining upon the edge; and that every half-sovereign should have for the obverse impression the aforesaid effigy, with the inscription "Victoria Dei Gratia," and for the reverse the ensigns armorial of the United Kingdom

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dom contained in a garnished shield surmounted by the royal crown, with the inscription "Britanniarum Regina Fid: Def:" and the date of the year, with a graining upon the edge; and that every crown should have the same obverse and reverse impression and inscription in all respects as the five-pound piece, with a graining upon the edge; and that every half-crown should have for the obverse impression the aforesaid effigy, with the inscription "Victoria Dei Gratia," and for the reverse the ensigns armorial of the United Kingdom contained in a plain shield surrounded by the garter bearing the motto: "Honi soit qui mal y pense," and the collar of the garter with the inscription "Britanniarum Regina Fid: Def:" and the date of the year, with a graining upon the edge; and that every florin should have for the obverse impression the aforesaid effigy, with the inscription "Victoria Dei Gratia," and for the reverse the ensigns armorial of the United Kingdom contained in four shields arranged crosswise, each shield crowned, and between the shields four sceptres surmounted by orbs, a thistle, and a harp, and a star of the garter in the centre, with the inscription "Brit: Reg: Fid: Def:" and the date of the year, with a graining upon the edge; and that every shilling should have for the obverse impression the aforesaid effigy, with the inscription "Victoria Dei Gratia Britt: Regina F. D.," and for the reverse the ensigns armorial of the United Kingdom contained in a plain shield surrounded by the garter bearing the motto: "Honi soit qui mal y pense," and the date of the year with a graining upon the edge; and that every sixpence should have the same obverse and reverse impression and inscription in all respects as the shilling, with a graining upon the edge; and that certain other pieces of silver money called "The Queen's Maundy Monies," of fourpence, threepence, twopence and one penny, should have for the obverse impression the aforesaid effigy, with the inscription "Victoria Dei Gratia Britt: Regina F. D.," and for the reverse the respective figures "4," "3," "2," "1," (according to the denomination or value of the piece) in the centre, with the date of the year placed across the figures, and encircled by an oak wreath surmounted by the royal crown, with a plain edge:

And whereas by the aforesaid Act it is also enacted, that it shall be lawful for us, by and with the advice of Our Privy Council, from time to time by proclamation, to determine the denominations of coins to be coined at the mint, and it is by the said Act provided that any coin of gold, silver, or bronze, of any other denomination than that of the coins mentioned in the first schedule to the aforesaid Act, which is hereinafter coined at the mint, shall be of a weight and fineness specified in that schedule as the denomination of such coin bears to the denominations mentioned in that schedule;

We have, therefore, further thought fit to order that a new coin, to be called a double-florin, should be coined, of the standard weight of 349.0909 grains, and of the fineness of thirty-seven-fortieths fine silver and three-fortieths of alloy, and should pass and be received as current and lawful money of the United Kingdom of Great Britain and Ireland, at the rate of four shillings or one-fifth of a pound; and that every such coin should

Coinage, &c.

should have the same obverse and reverse impression and inscription in all respects as the florin, with a graining upon the edge.

And whereas pieces of money of the above descriptions respectively have been coined at our mint, and will be coined there in pursuance of orders which we have given for that purpose, we have, therefore, by and with the advice of Our Privy Council, thought fit to issue this Our Royal Proclamation, and we do hereby ordain, declare, and command that the said pieces of money respectively so coined, and to be coined as aforesaid, shall be current and lawful money of the United Kingdom of Great Britain and Ireland, and that this Our Royal Proclamation shall come into operation on the date hereof.

Given at our Court at Windsor, this thirteenth day of May, in the year of Our Lord one thousand eight hundred and eighty-seven, and in the fiftieth year of Our Reign.

GOD SAVE THE QUEEN.

AT THE COURT AT WINDSOR, THE 12TH DAY OF JULY, 1887.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the "Foreign Deserters Act, 1852," it is provided that whenever it is made to appear to Her Majesty that due facilities are or will be given for recovering and apprehending seamen who desert from British merchant ships in the territories of any foreign power, Her Majesty may, by Order in Council stating that such facilities are or will be given, declare that seamen, not being slaves, who desert from merchant ships belonging to a subject of such power, when within Her Majesty's dominions, shall be liable to be apprehended, and carried on board their respective ships, and may limit the operation of such Order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient ;

And whereas it has been made to appear to Her Majesty that due facilities will be given for recovering and apprehending seamen who desert from British merchant ships in the dominions and possessions of His Majesty the King of the Hellenes :

Now, therefore, Her Majesty, by virtue of the power vested in Her by the said "Foreign Deserters Act, 1852," and by and with the advice of Her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that from and after the publication hereof in the *London Gazette*, seamen, not being slaves, and not being British subjects, who within Her Majesty's dominions, desert from merchant ships belonging to subjects of His Majesty the King of the Hellenes, shall be liable to be apprehended and carried on board their respective ships: Provided always, that if any such deserter has committed any crime in Her Majesty's dominions, he may be detained till he has been tried by a competent court, and until his sentence, if any, has been carried into effect.

Foreign Deserters Act, &c.

And the Secretary of State for the Home Department, the Secretary of State for the Colonies, and the Secretary of State for India in Council, are to give the necessary directions herein accordingly.

C. L. PEEL.

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT, THE
29TH DAY OF DECEMBER, 1887.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the "Foreign Deserters Act, 1852," it is provided that whenever it is made to appear to Her Majesty that due facilities are or will be giving for recovering and apprehending seamen who desert from British merchant ships in the territories of any foreign power, Her Majesty may, by Order in Council stating that such facilities are or will be given, declare that seamen, not being slaves, who desert from merchant ships belonging to a subject of such power when within Her Majesty's dominions shall be liable to be apprehended and carried on board their respective ships, and may limit the operation of such Order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient :

And whereas it has been made to appear to Her Majesty that due facilities for recovering and apprehending seamen who desert from British merchant ships in the territories of the Republic of Paraguay will be given under a treaty between the Governments of Great Britain and Paraguay signed at Assumption on the 16th October, 1884 :

Now, therefore, Her Majesty, by virtue of the powers vested in Her by the said "Foreign Deserters Act, 1852," and by and with the advice of Her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that, from and after the publication hereof in the *London Gazette*, seamen not being slaves (and not being British subjects), who desert from merchant ships belonging to the Republic of Paraguay within Her Majesty's dominions shall be liable to be apprehended and carried on board their respective ships. Provided always, that if any such deserter has committed any crime in Her Majesty's dominions he may be detained until he has been tried by a competent court, and until his sentence (if any) has been fully carried into effect.

And the Secretary of State for the Home Department, the Secretary of State for the Colonies, and the Secretary of State for India in Council, are to give the necessary directions herein accordingly.

C. L. PEEL.

The Coinage.

AT THE COURT AT WINDSOR, THE 28TH DAY OF NOVEMBER, 1887.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS there was this day read at the Board the draft of a proclamation for giving currency to certain silver coins, called "sixpences," with a new design therein described :

Her Majesty, having taken the same into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and to order, and it is hereby ordered, that the coins described in the proclamation be coined at Her Majesty's mint.

And the Lords Commissioners of Her Majesty's Treasury are to give the necessary directions accordingly.

C. L. PEEL.

(Draft Proclamation referred to in the foregoing Order.)

BY THE QUEEN.

A PROCLAMATION.

WHEREAS by "The Coinage Act, 1870," it is (amongst other things) enacted that it shall be lawful for Us by and with the advice of Our Privy Council, from time to time by proclamation, to determine the design for any coin.

Now, therefore, we have, by and with the advice of our Privy Council, thought fit to determine and do order that certain coins called "sixpences," made and to be made at the mint, and mentioned in the first schedule to the aforesaid Act, of the weight and fineness specified in that schedule, shall bear designs as follows:—

For the obverse impression our effigy with the inscription "Victoria Dei Gratia Britt: Regina F.D.," and for the reverse the words "Six Pence" placed in the centre of the piece, having an olive branch on one side and an oak branch on the other, surmounted by the royal crown, and the date of the year between and below the branches, and a graining upon the edge.

And whereas coins of the above description have been coined at Our mint, and will be coined there in pursuance of orders which we have given for that purpose, we have, therefore, by and with the advice of Our Privy Council, thought fit to issue this Our Royal Proclamation, and we do hereby ordain, declare, and command that the said coins so coined, and to be coined as aforesaid, shall be current and lawful money of the United Kingdom of Great Britain and Ireland, and that this Our Royal Proclamation shall come into operation forthwith on the date thereof.

Given at Our Court at Windsor, this twenty-eighth day of November, in the year of Our Lord one thousand eight hundred and eighty-seven, and in the fifty-first year of Our reign.

GOD SAVE THE QUEEN.

Superannuation.

RULES UNDER SECTION 6 OF THE SUPERANNUATION ACT, 1887.

COPY of the Rules drawn up by the Treasury under Clause 6 of the Superannuation Acts Amendment Bill of this Session.

WHEREAS by the Superannuation Act, 1887, the Commissioners of Her Majesty's Treasury are authorized to frame rules as to the conditions on which any civil employment of profit under any public department or any employment of profit under the Government of any British possession, or any employment under the Government of any foreign state, may be accepted by any person who is in receipt of any sum granted by Parliament for the pay, half-pay or retired pay of officers of Her Majesty's naval or military forces, regular or auxiliary, or otherwise, for past service in such forces; or who has commuted the right to receive the same or has retired with a gratuity, and otherwise, as in the said Act mentioned:

And whereas the general principle adopted by Parliament has been that where any person receiving non-effective pay on account of service to the State accepts fresh State employment, the State should benefit by some saving upon the sums otherwise payable to such person on account of his non-effective pay and of the emoluments of his fresh employment:

And whereas such saving has been heretofore effected by means of a reduction of the non-effective pay, and it appears to the Commissioners of Her Majesty's Treasury expedient that in the case of officers accepting certain civil employments of profit, such saving should be effected by reduction of the emoluments of the fresh employment instead of by reduction of the non-effective pay:

Now, therefore, the Commissioners of Her Majesty's Treasury, in pursuance of the powers conferred on them by the Superannuation Act, 1887, and of every other power enabling them in this behalf, do hereby make the following rules:—

In these rules:—

1. (a.) The expression "non-effective pay," shall mean any half-pay or retired pay, or other payment granted by Parliament for officers in Her Majesty's naval or land forces, on account of past service in some portion of those forces, but does not include rewards for distinguished or meritorious services, nor pensions for wounds;

(b.) The expression "civil employment of profit under any public department," means any employment the profits of which are derived from any of the following funds which are hereby declared to be public funds, viz:—

- (a.) The Consolidated Fund;
- (b.) Money voted by Parliament, or receipts taken in reduction of such money;
- (c.) Land or hereditary revenues of the Crown;
- (d.) Crown revenue of the Channel Islands;
- (e.) Mercantile Marine Fund;
- (f.) Funds of Greenwich or Chelsea Hospital;

(g.)

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- (g.) Any other fund which, either from its being administered by a public department, or from its receiving a contribution out of any of the above mentioned funds, the Treasury may, from time to time, determine to be a public fund ;
 but does not include any such employment as the Treasury, having regard to the regulations of the Admiralty and the War Department, determine to be a naval or military employment ;
- (c.) The expression " naval " shall include " marine," and the expression " navy " shall include the marines ;
- (d.) The expression " officer " shall mean any officer who holds or has retired from a commission in any of the Imperial forces, or who has retired with a gratuity or upon non-effective pay, whether he have commuted such non-effective pay or not ;
- (e.) The expression " Imperial forces " means Her Majesty's Imperial naval or land forces ;
- (f.) The expression " Colonial Government " means the Government of any Colony, and includes the Government of Cyprus ;
- (g.) Other expressions have the same meaning as in the Superannuation Act, 1887.

I.—Acceptance of Office.

2. An officer who is on the half-pay or retired list, or who has commuted his non-effective pay, or retired from the Imperial forces with a gratuity, before accepting any civil employment or profit under any public department or any employment of profit under the Government of any British possession, or any employment under the Government of any foreign State, shall obtain the consent of the Admiralty or the War Department, as the case may be, and the continuance of such consent, shall be a condition of his holding such employment ; and such consent, when given and a withdrawal of such consent, shall be communicated by the giver to the Treasury.

3. If any officer fail to obtain such consent, or if he continues to hold such employment after the consent is withdrawn, he shall be liable to have his non-effective pay suspended or reduced, either permanently or temporarily, according as the Treasury may direct, and if he have commuted such pay or retired with a gratuity, shall be liable to pay to Her Majesty the amount of commutation money or gratuity, or such portion thereof as the Treasury may direct.

II.—Receipt of Naval or Military Non-effective Pay by an Officer holding a Civil Employment of Profit.

4. If any such officer as is mentioned in rule 2 accept any civil employment of profit under any public department (other than in Her Majesty household) and such officer either continues whilst holding the said employment to draw any non-effective pay, or has commuted such pay, or has retired with a gratuity from navy or army funds, the profits of his civil employment shall be subject to abatement under the following conditions :—

(a.)

Superannuation.

(a.) If the annual amount of his non-effective pay, whether in actual course of payment or commuted or represented by a gratuity valued as hereinafter mentioned, and the profits of his civil employment together exceeds £400 per annum, the profits of his civil employment shall be abated by such an amount, not being less than 10 per cent. thereof, as may be determined by the Treasury in concert with the department employing the officer; provided that no abatement shall be made by reason of this rule, which exceeds the amount of the officer's non-effective pay or reduces his total emoluments to less than £400 per annum;

(b.) For the purposes of sub-section (a) the annual value of non-effective pay which has been commuted shall be the amount of such pay at the time of commutation, and the value of a gratuity shall be determined, actuarially, according to the prospects of life of the officer at the date of his receipt of such gratuity.

5. (1.) It shall be competent to the Treasury, on the recommendation of the Admiralty or War Department, as the case may be, from time to time to exempt any civil employment under a naval or military department, from the operation of rule 4, or to bring the same back within its operation:

(2.) It shall be competent to the Treasury from time to time to exempt any other civil employment from the operation of rule 4, for such time as they may deem fit, on the ground of such employment being of a temporary or casual character, or of its profits being petty or uncertain, or of the nature of fees for piecework.

6. In case of doubt arising either as to whether the funds from which the profits of a civil employment are derived are public funds or as to what is, for the purposes of rule 4, the annual value of non-effective pay, or of a gratuity, or of the profits of a civil employment, the decision on the point shall rest with the Treasury.

7. No such officer as is mentioned in rule 2 shall accept any civil employment of profit under any public department, otherwise than on condition that no pension shall be granted to him in respect of that employment, which, when added to his non-effective pay, shall exceed two thirds of the emoluments of that employment, or a total of £1,000 a year, whichever may be the greater.

But, if such officer's civil employment have been declared, by order under section 4 of the Superannuation Act, 1859, to be a professional office, he may, subject to the above limitation of the amount of pension, elect on his retirement:

(a.) Either to retain his non-effective pay, together with a pension calculated on his actual service in the professional office; or—

(b.) To relinquish his non-effective pay, and to receive a pension calculated on his actual service in the professional office, together with the addition of years granted by the order.

8. Nothing in these rules shall abridge or supersede any power of abatement of an officer's non-effective pay or emoluments possessed in other respects by the Treasury, or by any other public department.

9. A return shall be laid before Parliament in every year of the number of officers who, having non-effective pay, or having commuted their

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their non-effective pay, or having retired on a gratuity from navy or army funds, have been granted by the Admiralty or War Department permission, under rule 2, to hold any civil employment of profit under a public department, specifying the names of such officers and the respective amounts of their non-effective pay and their emoluments, and the abatement, if any, made therefrom, and distinguishing the officers to whom such permission has been granted since the conclusion of last return.

III.—Employment of naval or military officers by colonial Governments, exclusive of the Government of India.

10. If an officer on the active list now holds, or shall hereafter accept, any employment of profit under any Colonial Government, not remunerated out of Imperial funds, he shall draw no pay, effective or non-effective, from Imperial funds so long as he holds that employment; but if his employment appears to the Admiralty or War Department to be of a nature to afford practical experience likely to be afterwards of public advantage in the event of his return to Imperial service, his service under the Colonial Government may, if the Admiralty or War Department think fit, count towards promotion and retirement, as though it were service in the Imperial forces, and in that case the retired pay earned by his colonial service whilst he remains on the said active list in due course be chargeable on Imperial funds.

11. An officer on the active list shall accept and hold any employment of profit under a Colonial Government on condition only that the employment does not, in the absence of exceptional circumstances, last for a period exceeding five years, and is not renewed.

12. If an officer retire from the Imperial forces whilst he holds an employment of profit under a Colonial Government, he may at once draw so much of his retired pay as was earned by Imperial service before his entering the colonial service; and upon his retirement from the colonial service he may also draw the retired pay earned by so much of his colonial service as preceded his retirement from the Imperial forces*.

13. If an officer on the retired list now holds, or shall hereafter accept, an employment of profit under a colonial Government, his retired pay, even though earned by mixed Imperial and colonial service, shall not be suspended in whole or in part, by reason of such employment, unless the Admiralty or War Department think fit otherwise to order; and any such order may be carried into effect.

14. Service under a colonial Government subsequent to an officer's retirement from the Imperial forces, shall not increase the charge for his non-effective pay upon Imperial funds.

IV.—Saving Clauses

15. If any officer who is on the half-pay or retired list, or who has commuted his non-effective pay, or retired from the Imperial forces, with

* This rule corresponds with a concession made by the Treasury in a letter to the War Department, dated 19th November, 1886, and acted upon in certain cases from not earlier than that date (*vide* pages 34-5 of Sessional Paper (85) of 1887).

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a gratuity, accepts or holds any civil employment of profit under any public department, or any employment under the Government of any British possession, and is not subject to rule 4, or is not subject to rules 13 to 14, both inclusive, he shall accept and hold such employment on condition that he does not receive any part of any sum granted for non-effective pay for any time during which he holds such employment, except as hereafter mentioned, that is to say :

(a.) If the appointment is in Her Majesty's household, he may receive the full amount of his non-effective pay :

(b.) If the annual emoluments of the employment do not exceed three times the amount of the highest rate of non-effective pay attached to the rank, by virtue of which he claims to receive non-effective pay, such person may, with Her Majesty's pleasure to that effect, signified by the Treasury through one of Her Majesty's Principal Secretaries of State, receive the non-effective pay to which he would be entitled if he held no such employment of profit :

(c.) Where the annual emoluments of the employment exceed three times the amount of such highest rate of non-effective pay as aforesaid, but fall short of four times such amount, the holder of such employment may, with Her Majesty's pleasure, signified in the manner aforesaid, receive so much non-effective pay as, added to the emoluments of his employment, will together make up four times the amount of such non-effective pay.

16. In the case of any officer who has accepted any employment before the passing of the Superannuation Act, 1887, the foregoing rules shall not, without his consent, apply to him so far as respects that employment, and if he does not so consent, the law and regulations applying to such officer immediately before such passing shall continue to apply to him so far as respects that employment.

Treasury, September, 1887.

**ORDERS IN COUNCIL,
PROCLAMATIONS AND OTHER DOCUMENTS
ISSUED
UNDER AUTHORITY OF LAW.**



**OTTAWA:
PRINTED BY BROWN CHAMBERLIN,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY,
ANNO DOMINI, 1838.**

ORDERS IN COUNCIL, &c.

CANADA.

Governor General.

By an Order in Council, bearing date Wednesday, 6th day of July, 1887, His Excellency the Governor General in Council declared his disallowance of the Acts passed by the Lieutenant Governor of the Province of Manitoba, with the Legislative Assembly of that Province, namely:—

Bill No. 5, "An Act respecting the construction of the Red River Valley Railway," on the 1st of June, 1887;

Bill No. 81, "An Act to amend the Public Works Act of Manitoba," on the 10th of June, 1887.

Vide Canada Gazette, Vol. XXI, p. 92.

By an Order in Council, bearing date Monday, 18th day of July, 1887, His Excellency the Governor General in Council declared his disallowance of the Act passed by the Lieutenant Governor of Manitoba, with the Legislative Assembly of that Province, on the 10th day of June, 1887, intituled: "An Act for further improving the law," numbered 68.

Vide Canada Gazette, Vol. XXI, p. 140.

By an Order in Council, bearing date Tuesday, 19th day of July, 1887, His Excellency the Governor General, by and with the advice of the Privy Council, declared his disallowance of the Act passed by the Lieutenant Governor of the Province of Quebec, with the Legislative Council and Assembly of that Province on the 21st day of June, A.D. 1886, intituled: "An Act respecting the Executive Power."

Vide Canada Gazette, Vol. XXI, p. 218.

By an Order in Council, bearing date Tuesday, 9th August, 1887, His Excellency the Governor General in Council declared his disallowance of the Acts, passed by the Lieutenant Governor of the Province of Manitoba, with the Legislative Assembly of that Province, namely:—

Bill No. 1, "An Act to incorporate the Manitoba Central Railway Company," assented to on 19th April, 1887;

Bill No. 2, "An Act to incorporate the Winnipeg and Southern Railway Company," assented to 19th April, 1887, and—

Bill No. 54, "An Act to incorporate the Emerson and North-Western Railway Company," assented to 10th June, 1887.

Vide Canada Gazette, Vol. XXI, p. 405.

*This and following Orders in Council are being consolidated and published in a separate book, which, after its publication, should, for greater accuracy, be consulted.

Agriculture.

Agriculture.

By a Proclamation, bearing dated 18th July, 1887, under authority of the Revised Statutes of Canada, Chap. 68, the Quarantine Regulations contained in the Proclamation dated the 3rd of August A.D. 1876, were rescinded, and the following revised and amended Regulations relating to quarantine for vessels arriving in the Dominion of Canada, supplementary to the Regulations established by the Proclamations dated the 23rd day of May, A.D. 1868, and the 21st day of January, A.D. 1873, were put in force, that is to say :—

For Steamships or Sailing Vessels by the St. Lawrence.

1. Every steamship or sailing vessel from any port outside of Canada coming to Canada by way of the St. Lawrence, shall be inspected by a duly appointed Quarantine Medical Officer before passing Grosse Isle, and shall not proceed or be allowed to proceed on her voyage until she receives a clean bill of health ; with the exception that—

2. Each of the steamships conveying Her Majesty's mails, shall be met and inspected by a Quarantine Medical Officer at the Port of Rimouski, and a clean bill of health from such officer shall be equivalent to a clean bill of health granted by the Quarantine Officer at Grosse Isle, such mail vessels being amenable in all other respects, to the Quarantine Regulations.

3. No passenger nor any other person shall be allowed to land from any mail steamship at Rimouski until declared, by the Quarantine Officer, free from infectious disease or well founded suspicions thereof, nor unless the said officer is satisfied that such person may be allowed to land without danger to the public health.

4. Any person or persons ill with cholera, small-pox or other contagious disease, as defined in the Quarantine Regulations under the Proclamation of 23rd May, 1868, shall be landed at Grosse Isle for treatment, and the vessel disinfected and allowed to proceed or be detained in such manner as may be deemed expedient by the Medical Officer for the protection of the public health, under the provisions of the said Quarantine Regulations.

5. No steerage passenger shall be allowed to pass the inspection stations,—that is Rimouski for the mail steamships, and Grosse Isle for all other vessels,—without furnishing evidence to the satisfaction of the Quarantine Medical Officer of having being vaccinated within the seven previous years, or having had the small-pox within that period ; and, in case the small-pox has occurred in any vessel during the voyage, this regulation shall also apply to every person on board. The production of a certificate by a ship's surgeon, called "a protection card," and his testimony under oath verifying the truth of such certificate, may be taken by the Quarantine Medical Officer as evidence of such vaccination and protection. The Quarantine Medical Officer shall, however, from time to time, make personal examination of holders of such certificates to satisfy himself of the manner in which they have been issued.

Agriculture.

6. Any person to whom the definitions in the next preceding section would apply as not having shown satisfactory evidence of having been vaccinated within the seven previous years, or having had the small-pox within that period, in accordance with the requirements of such section, shall be vaccinated by the examining Quarantine Medical Officer, or in the event of refusal shall be landed at Grosse Isle, subject to the quarantine of observation; and the expense of the maintenance of such person during such quarantine of observation shall be a charge against the vessel.

7. The Quarantine Medical Officer at Grosse Isle or Rimouski shall examine any officer or surgeon or medical man of any steamship or sailing vessel, under oath touching the state of health of such ship or vessel and of every person on board, in such form as shall be prescribed by the Minister of Agriculture; and it shall be the duty of the pilot on each such steamship or sailing vessel to hand to the ship's officer or surgeon a printed copy of the questions required to be answered under oath.

8. Every steamship or sailing vessel arriving with infectious disease shall be liable to be detained at the Quarantine Station for disinfection, together with its cargo and passengers and crew, but every steamship or vessel provided with one isolated hospital for men, and another for women, on the upper deck, ventilated from above and not by the door only, may, in the discretion of the Quarantine Medical Officer, if he is furnished with satisfactory evidence that such hospitals have been promptly and intelligently made use of, be allowed to proceed after the landing of the sick and the disinfection of such hospitals: any vessel, however, arriving with infectious disease, without having such special isolated and ventilated hospitals or, having them, without satisfactory evidence that such hospitals have been promptly and intelligently made use of, shall be liable to be detained for disinfection at the quarantine station.

9. The master of every steamship or sailing vessel arriving from any port outside of Canada shall produce a certificate of quarantine inspection and clearance from Rimouski, in the case of mail steamships, and from Grosse Isle, in the case of all other vessels, before being allowed to make a Customs entry at the ports of Quebec or Montreal.

10. A second quarantine shall not be held to be necessary at Quebec; but in the event of the inspecting physician at Quebec, in pursuance of his port duties, finding infectious disease, as defined in section 4 of these regulations in any steamship or sailing vessel, he shall promptly order it to go back to Grosse Isle.

For all other organized Quarantine Ports of the Dominion.

11. Every steam or sailing vessel from any port outside of Canada arriving at any regularly organized quarantine port (having a quarantine station), that is to say: At Halifax or Pictou, or Hawkesbury, or Sidney (Cape Breton), in the Province of Nova Scotia; or St. John, or the Harbor of Miramichi, in the Province of New Brunswick; or Charlottetown, in the Province of Prince Edward Island; or Victoria, in the Province of British Columbia, shall be subject, in so far as they can be made to apply, to the foregoing regulations relating to the St. Lawrence, as respects inspec-

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tion, by the Quarantine Medical Officers of the said several ports or harbors, before being allowed to make a Customs entry; and any vessel which it shall be considered necessary to detain shall be dealt with in accordance with the Quarantine Regulations of 1868, aforesaid.

For all ports under Quarantine directions of Collectors of Customs.

12. At every other port in Canada, at which there is not a regularly organized quarantine station and at which the collector of Customs is authorized by the Proclamation of 21st of January, 1873, made in pursuance of the Act 35 Victoria, Chapter 27,—such Proclamation being continued in force by section II, 49 Victoria, chapter 68 of the Revised Statutes of Canada, the collector shall, in the case of any steamship or sailing vessel arriving from any port known to be infected and of which notification is published in the *Canada Gazette*, cause a medical inspection to be made of such vessel, and shall not grant a Customs entry, except on the production of a clean bill of health after such inspection.

13. In the event of any infectious disease, such as defined in section 4 of these regulations, being found in any steam or sailing vessel arriving at any port which is under quarantine direction of a collector of Customs, such vessel shall be dealt with in the manner prescribed in the General Regulations of 21st January, 1873, aforesaid, applying to such port, supplemented by the foregoing regulations in so far as they can be made to apply.

Signals for Quarantine Inspection.

14. Every steam or sailing vessel from any port outside of Canada requiring quarantine inspection shall, on arrival at any port in Canada, display a yellow flag at the fore, for a distinctive quarantine signal, in order to inform the quarantine officer or collector of Customs acting as such, that his services are required, as directed by the Quarantine Regulations, aforesaid, and any such vessel by the St. Lawrence, arriving at the quarantine station of Grosse Ile by night, shall display a red light for such signal.

How rags are to be dealt with.

15. Rags coming from countries or ports in which infected disease prevails, as defined in section 4 of these regulations, the names of such countries or ports being, from time to time published in the *Canada Gazette*, shall be prohibited from landing at any port in Canada, but rags collected in countries which have been free from the prevalence of infectious disease during the six months prior to the shipment of such rags, shall be admitted without any special treatment, if accompanied by a proper evidence of origin.

Hours of Inspection.

16. The hours during which quarantine inspection, the mail steamships excepted, shall take place at any quarantine station or any port in Canada,

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shall be between sunrise and sunset ; with the further exception that at the quarantine station of Grosse Ile, inspection will be made during any hour of the twenty-four.

Penalties for Pilots and all Officers and Masters of Vessels.

17. Every pilot shall be furnished with printed copies of these regulations, one of which it shall be his duty to hand to the master of every steam and sailing vessel coming from a port outside of Canada immediately after going on board such vessel, under a penalty not exceeding \$200.

18. Every collector of Customs, officer or other person charged with putting into effect or having any duties in connection with the foregoing regulations, shall be liable to a penalty not exceeding \$400 and imprisonment until such penalty is paid, for any contravention of such regulations or for omission or neglect of any duty in relation to them.

19. Every master of a steam or sailing vessel shall be liable to a penalty not exceeding \$400 and to imprisonment until such penalty is paid for any contravention of any of the foregoing regulations, and such vessel shall be held liable for any pecuniary penalty imposed on the master.

FORM.

Questions to be answered under oath to quarantine officers by masters, surgeons or officers of vessels.

Date 188 .

1. What is your vessel's name and your name ?
2. From what port and at what date did your vessel sail ?
3. What is your cargo and whence taken on board ?
4. Has your vessel touched at any place or places on her voyage ?
5. Was such place or places or any of them to your knowledge infected with cholera, small-pox, plague or any pestilential fever or disease ?

6. How many persons were on board when the vessel sailed ?

Cabin passengers	Intermediate	Steerage
Cattlemen	Crew	Total

7. State whether any person on board during the voyage has been ill with any of the diseases above referred to, and if so how many ?

8. State whether, in your opinion, any person on board has been, or is now infected with any of such diseases ?

9. Has any person died on board during the present voyage, and if so state all particulars ?

10. Has each of the steerage passengers on board signs of having been vaccinated within 7 years, or of having had the small pox within that period ?

11. (*Question to be asked in the event of small-pox having occurred during the voyage, to ship's surgeon, if such is on board*). Have you personally during the present voyage, examined each one of the passengers and crew for proof of satisfactory vaccination within seven years, or of having had the small-pox within that period ?

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12. Did you or any of the crew or passengers, within your knowledge, land at any place or places within Canada during the present voyage?

13. Is there any person on board lunatic, idiotic, deaf and dumb, blind or infirm, and if so, is such person accompanied by relatives or guardians?

14. Have you an isolated hospital for men and another for women, ventilated from above and not from the passage?

15. Were such hospitals or one of them, immediately made use of on the occurrence of disease?

16. Are there any other facts which, in your opinion, should be communicated?

Signature

*Master,
Surgeon.*

I,

*Master,
Surgeon,*

(here state whether ship's master, or occupying another position on board) do solemnly and sincerely swear to the exactness and truth of the answers to the above questions signed by me. So help me God.

*Master,
Surgeon.*

Sworn before me at this
day of 188 .

Quarantine Officer and Justice of the
Peace authorized by Order in
Council under the Act 35 Vic.,
chap. 27, intituled: "An Act re-
lating to Quarantine." }

FORM.*Quarantine Officer's Certificate for Customs Collector.*

Port of
Quarantine Station, 188 ,

I hereby certify that the master, has been inspected
and admitted to Pratique and has permission to proceed.

Quarantine Officer.

Vide Canada Gazette, Vol. XXI, p. 134.

By an Order in Council bearing date Monday, the 18th day of July, 1887, under the provisions of the "Animals Contagious Diseases Act," Chapter 69 of the Revised Statutes of Canada, the following Orders in Council establishing regulations respecting the importation, quarantine and inspection of animals in the Provinces of Manitoba and British Columbia, and in the North-West Territories, that is to say:—

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Orders in Council dated 8th September, 1884, 11th May, 1885, 30th July, 1885, 24th September, 1885, 6th February, 1886, 4th May, 1886, 17th June, 1886, 18th August, 1886, 28th August, 1886, and 15th October, 1886, were rescinded and cancelled, and the following revised and amended regulations respecting the quarantine and inspection of animals in Manitoba, the North-West Territories and British Columbia were approved and established, that is to say :—

REGULATIONS respecting the Inspection and Quarantine of Animals in Manitoba, the North-West Territories and British Columbia.

PROVINCE OF MANITOBA.

Neat Cattle.

1. The importation of neat cattle from the United States, or from United States Territories, into the Province of Manitoba, is prohibited, except :—

(a.) At Emerson, or at a point on the frontier opposite to the Canadian Pacific Railway Station, named Oak Lake, or at such point or points as may hereafter be indicated by the Minister of Agriculture ; and—

(b.) For stock or breeding purposes, or in transit to westerly points in the United States, neat cattle may be allowed to cross the Canadian frontier, subject to the following regulations :—

2. For stock or breeding purposes at Emerson, neat cattle shall be allowed to cross the frontier if, after inspection by a duly authorized veterinary surgeon, appointed by the Minister of Agriculture, they shall be declared free from contagious disease, and also from well founded suspicion thereof. After crossing the frontier such cattle shall be immediately and directly conveyed to the quarantine station at Dufferin, and be there detained for a period of ninety days, or such other period as to the Minister of Agriculture may appear advisable.

3. And such cattle, when it is desired to have them entered at Oak Lake, must cross the frontier at a point opposite the Canadian Pacific Railway Station named Oak Lake, and must not be driven beyond two townships north of the frontier, where they will be inspected by a duly authorized veterinary surgeon appointed by the Minister of Agriculture ; and if declared to be free from contagious disease or well founded suspicion thereof, they will be detained in quarantine for a period of ninety days or such other period as may be indicated by the Minister of Agriculture in such manner as shall be ordered by him, but if not so declared they shall be immediately sent back across the frontier.

4. Cattle in transit by railway for the Western United States or Territories shall be allowed to enter at the points above named, and also at Gretna if, on inspection by a duly qualified Veterinary Surgeon authorized by the Minister of Agriculture, they are found to be free from contagious disease, or well founded suspicion thereof, but not otherwise.

5. No car which has been loaded with cattle in the United States and crossing the Canadian frontier shall be allowed afterwards to carry

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Canadian cattle, and the number of each of such cars shall be registered by the Collectors of Customs at Emerson and Gretna.

6. No car nor trains carrying such United States cattle in transit shall be allowed to be or remain shunted in close proximity to any Canadian cattle.

7. Every car containing cattle in transit shall be kept as far as possible apart from cars or trains containing Canadian cattle or Canadian goods.

8. No car containing such United States cattle in transit shall form any part of a train carrying Canadian cattle.

9. Every car or train carrying cattle in transit shall stop at such fixed place or places as shall be named by the Minister of Agriculture for the purpose of rest, feeding or watering, and such place or places shall be declared "infected" within the terms of the "Animals Contagious Diseases Act," being strictly isolated and all communication with them prohibited, except by the officers and men in charge of such infected place or places.

10. Every car which has been used for carrying animals from the United States or Territories in transit, shall be thoroughly cleansed and disinfected before re-entering the Province of Manitoba, in such manner as shall be ordered by the Minister of Agriculture, in the manner prescribed in section No. 23 hereinafter.

11. The owner or owners of any neat cattle for stock or breeding purposes, or in transit desired to be entered at one of the points aforesaid shall, on making application for entry, produce a duly attested certificate indicating the State or Territory, and the particular locality from which they have been brought, and if such certificate should not be found satisfactory, the cattle to which it refers shall not be allowed to enter.

12. The importer of neat cattle, whether for stock or breeding purposes, or in transit, shall pay a fee graded on a scale hereto annexed, to the Customs officer or other person duly authorized to act as such for defraying the expense of such inspection, that is to say:—

One animal.....	\$1 00 each.
Five animals and under.....	0 50 each.
But total fee for over five animals not less than \$2.50.	
Ten animals and under.....	0 30 each.
But total fee for over ten animals not less than \$3.	
Twenty animals and under.....	0 20 each.
But total fee for over twenty animals not less than \$4.	
Fifty animals and under.....	0 12 each.
But total fee for over fifty animals not less than \$6.	
Over fifty animals.....	0 10 each.

Horses and Mules.

13. The importation of any horse or mule into the Province of Manitoba from the United States or United States Territory is prohibited, except

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on inspection by a duly qualified veterinary surgeon, appointed by the Minister of Agriculture, it shall be declared to be free from the disease of glanders or other contagious disease.

14. The following is a scale of fees payable by the owner or importer, for the purpose of defraying the expenses of such inspection :—

For one horse or mule up to five, each.....	\$ 1 00
For over five and up to ten.....	7 50
For over ten and up to twenty.....	12 50
For over twenty and up to thirty.....	15 00
For over thirty and up to fifty.....	20 00
For any number over fifty, 25 cents each, but fee not to be less than.....	20 00

Sheep.

15. The importation of sheep into the Province of Manitoba shall be prohibited, unless, after the inspection of each animal by a duly qualified veterinary surgeon, appointed by the Minister of Agriculture it shall be found free from the disease of sheep scab or other contagious disease.

16. The following is a scale of fees payable by the owner or importer, for the purpose of defraying the expenses of such inspection :—

For one animal, 25 cents.

For five animals, 10 cents each, but fee for inspecting more than five and under five, not less than 50 cents.

For ten animals, 6 cents each, but fee for the inspection of over five and under ten, not to be less than 60 cents.

For twenty animals, 4 cents each, but fee for inspection of any animals over ten and under twenty, not less than 80 cents.

For fifty animals, 2½ cents each, but for inspecting over twenty and under fifty, not less than \$1.25.

For over fifty animals, 2 cents each, but fee not to be less than \$1.25.

Swine.

17. Swine imported into the Province of Manitoba, from the United States or Territories, shall be subject to a quarantine of twenty-one days,—no animal being allowed to leave the quarantine, unless certified to be healthy by a veterinary inspector appointed by the Minister of Agriculture.

The fees for the inspection of swine shall be the same as those for the inspection of sheep, as defined in section 16 of these regulations.

PROVISIONAL DISTRICTS OF ASSINIBOIA, SASKATCHEWAN AND ALBERTA.

Neat Cattle.

19. The importation of neat cattle from the United States or the United States Territories into the Provisional Districts of Assiniboia, Saskatchewan and Alberta is prohibited, except,—

(a.) For stock or breeding purposes, subject to an inspection for crossing the Canadian frontier, and to a quarantine of ninety days, within the limits hereinafter defined; and—

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(b.) For transit through the Provisional Districts and the Province of Manitoba, by the route of the Canadian Pacific Railway for exit at Emerson or Gretna.

20. The regulations as respects the conditions of entry, for stock for breeding purposes or in transit, of neat cattle into provisional districts, in relation to inspection,—certificates of locality where from,—freedom from contagious disease,—conditions on which the entry shall be allowed,—payment and scale—of fees, and conditions of quarantine, shall be the same as in the above regulations for the Province of Manitoba, as defined in sections numbered from 1 to 12 inclusive.

21. The Department of the Interior reserve of two townships along the frontier between Canada and the United States shall be declared an "infected place" within the meaning of the "Animals Contagious Diseases Act" for the purpose of serving as quarantine ground, along which animals in quarantine will be allowed to graze, subject to such directions as shall be ordered by the Minister of Agriculture.

22. The quarantine ground for cattle entering the Provisional District of Alberta, opposite the point of Fort Macleod, shall be that portion of the territory formed by the curve of the main branch of the Milk River, from the point of its entering the territory to the point of its crossing the United States frontier, and the area within such points shall be declared an infected place within the meaning of the "Animals Contagious Diseases Act" for the purpose of a special station to be known as the Macleod quarantine station.

23. Neat cattle for eastern transit for exit at Emerson or Gretna, may enter the District of Alberta from the United States Territory of Montana at the point of Maple Creek, or such other point or points as may be hereafter designated by the Minister of Agriculture, subject to the following regulations, additional to those referred to in section 20 herein:—

(a.) The production of a certificate from the territorial veterinarian or other official person to the effect that no pleuro-pneumonia or other infectious disease among cattle exists, or has existed within twelve months, in the district whence such animals have come;

(b.) That such animals be not moved nearer than within twenty-five miles of the shipping point of Maple Creek until they have been inspected by a duly qualified veterinary officer, appointed by the Minister of Agriculture, and by him declared to be free from contagious disease;

(c.) That the yard or place provided by the Canadian Pacific Railway Company for the shipment of these cattle shall be at least half a mile distant from any yard or place used for the shipment of Canadian cattle; and further, that Maple Creek shall not be used as a feeding station by the Canadian Pacific Railway Company for Canadian cattle in transit either east or west on their line;

(d.) That the cars used by the Canadian Pacific Railway Company for carrying cattle from Montana in transit east for exit at Emerson or Gretna shall have each a distinguishing mark, that the numbers of each of such cars shall be registered by the officer of Customs at Maple Creek, and that each of such cars be prohibited from being used for the carriage of Canadian cattle, or settlers' effects;

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(e.) That no car which has been used for carrying such cattle in transit shall be allowed to re-enter Canada until it has been thoroughly disinfected, first, by scraping and sweeping the floors and sides, and second by washing the entire interior of the car with lime wash, in which one pound of commercial carbolic acid to four gallons of the lime wash has been mixed ;

(f.) That the numbers and marks of the cars used for such transit shall be reported by the collector of Customs to the Minister of Agriculture.

Horses, Mules, Sheep, Swine.

24. The regulations respecting the importation of horses, mules, sheep, or swine to be the same as for the Province of Manitoba, as defined by sections numbered 13 to 18 inclusive.

PROVINCE OF BRITISH COLUMBIA.

Horses, Mules.

25. The regulations respecting the importation of horses or mules into the Province of British Columbia from the United States or the United States Territories to be the same as in the Province of Manitoba, with the exception that the fees for the inspection of one horse shall be \$2, for over one and up to five \$1.50 each, or over five and up to ten, \$1 each ; and over ten, the same fee as in the Province of Manitoba, as defined in section numbered 14 hereinbefore.

Sheep, Swine.

26. The regulations respecting the importation of sheep and swine in the Province of British Columbia, shall be the same as for the Province of Manitoba hereinbefore defined in sections numbers 15 to 18 inclusive, and the inspection fees the same.

Vide Canada Gazette, Vol. XXI, p. 141.

Customs.

By a Proclamation, bearing date 1st July, 1887, under the authority of the Revised Statutes of Canada, Chapter 32, the values of the foreign currencies as compared with the standard dollar of Canada, as shown in the schedule annexed, were declared to be the values for duty of such foreign currencies, and it was ordered that all invoices of foreign goods made out in such currencies shall be reduced to Canadian currency at the rates assigned to them in such schedule.

Customs.

Country.	Monetary Unit.	Standard.	Value in Canadian Currency.	Coins.
Argentine Republic.....	Peso.....	Gold and silver.	\$ c. m. \$0·96·5	Gold, Argentine \$4.82.4, and $\frac{1}{2}$ Argentine silver, peso and divisions.
Austria.....	Florin.....	Silver.....	0·35·9	Gold, 4 florins \$1.92.9, 8 florins \$3.85.8, 1 ducat \$2.28.7 and 4 ducats \$9.15.8—Silver, 1 and 2 flors.
Belgium.....	Franc.....	Gold and silver.	·19·3	Gold, 10 and 20 francs—Silver, 5 francs.
Bolivia.....	Boliviano.....	Silver.....	·72·7	Boliviano and divisions.
Brazil.....	Milreis of 1000 reis.....	Gold.....	·54·6	Gold, 5, 10 and 20 milreis—Silver, $\frac{1}{2}$, 1 and 2 milreis.
Chili.....	Peso.....	Gold and silver..	·91·2	Gold, escudo \$1.82.4, doubloon \$4.56.1, and condor \$9.12.3—Silver, peso and divisions.
Cuba.....	Peso.....	Gold and silver.	·93·2	Gold, doubloon \$5.01.7—Silver, peso
Denmark.....	Crown.....	Gold.....	·26·8	Gold, 10 and 20 crowns.
Ecuador.....	Sucre.....	Silver.....	·72·7	Gold, doubloon \$3.85.8, condor \$9.64.7 and double condor—Silver, sucre and divisions.
Egypt.....	Pound (100 piastres)...	Gold.....	4·94·3	Gold, pound (100 piastres) 50, 20, 10 and 5 piastres—Silver, 1, 2, 5, 10 and 20 piastres.
France.....	Franc.....	Gold and silver..	·19·3	Gold, 5, 10, 20, 50 and 100 francs—Silver, 5 francs.
German Empire.	Mark.....	Gold.....	·23·8	Gold, 5, 10 and 20 marks.
Greece.....	Drachma.....	Gold and silver.	·19·3	Gold, 5, 10, 20, 50 and 100 drachmas—Silver, 5 drachmas.
Hayti.....	Gourde.....	Gold and silver..	·96·5	Gold, 1, 2, 5 and 10 gourdes—Silver, gourde.
India.....	Rupee of 16 annas.....	Silver.....	·34·6	Gold, mohur \$7.10.5—Silver, rupee and divisions.
Italy.....	Lira.....	Gold and silver..	·19·3	Gold, 5, 10, 20, 50 and 100 liras—Silver, 5 liras.
Japan.....	Yen.....	* Gold and silver	99·7	Gold, 1, 2, 5, 10 and 20 yen.
Liberia.....	Dollar.....	Gold.....	78·4	Silver, yen.
Mexico.....	Dollar.....	Silver.....	1·00 ·79	Gold, dollar \$0.98. 3, 2 $\frac{1}{2}$, 5, 10 and 20 dollars—Silver dollar (or peso) and divisions.
Netherlands.....	Florin.....	Gold and silver.	·40·2	Gold, 10 florins—Silver, $\frac{1}{2}$, 1 and 2 $\frac{1}{2}$ florins.
Norway.....	Crown.....	Gold.....	·26·8	Gold, 10 and 20 crowns.
Peru.....	Sol.....	Silver.....	·72·7	Silver, sol and divisions.
Portugal.....	Milreis of 1000 reis.....	Gold.....	1·08	Gold, 1, 2, 5 and 10 milreis.
Russia.....	Rouble of 100 copecks.	Silver.....	·58·2	Gold, Imperial \$7.71.8 and $\frac{1}{2}$ Imperial \$3.85.9 $\frac{1}{2}$ —Silver $\frac{1}{4}$, $\frac{1}{2}$ and 1 rouble.
Spain.....	Peseta of 100 centimes.	Gold and silver..	·19·3	Gold, 5, 10 and 25 pesetas—Silver, 5 pesetas.
Sweden.....	Crown.....	Gold.....	·26·8	Gold, 10 and 20 crowns.
Switzerland.....	Franc.....	Gold and silver..	·19·3	Gold, 5, 10, 20, 50 and 100 francs—Silver, 5 francs.
Tripoli.....	Mahbab of 20 piastres..	Silver.....	·65·6	Gold, 25, 50, 100, 250 and 500 piastres.
Turkey.....	Piastre.....	Gold.....	·04·4	Gold, 25, 50, 100, 250 and 500 piastres.
United States of Columbia.....	Peso.....	Silver.....	·72·7	Gold, condor \$9.64.7, and double condor—Silver, peso.
Venezuela.....	Bolivar.....	Gold and silver..	·19·3	Gold, 5, 10, 20, 50 and 100 bolivars—Silver, 5 bolivars.

* Gold, the nominal standard. Silver, practically the standard.

† Coined since 1st January, 1886. Old $\frac{1}{2}$ Imperial, \$3.98.6.*Vide Canada Gazette, Vol. XXI, p. 45.*

Customs.

By an Order in Council, bearing date Friday, 1st day of July, 1887, under the provisions of the 22nd section of the Customs Act, Chapter 32 of the Revised Statutes of Canada, the port of Vancouver, in the Province of British Columbia, was constituted a Customs port of entry and a warehousing port, to date from the 1st day of July, 1887.

And further, the outport theretofore known as Burrard's Inlet under the survey of the port of New Westminster, was abolished from the 1st July, 1887.

Vide Canada Gazette, Vol. XXI, p. 52.

By an Order in Council, bearing date Friday, 1st day of July, 1887, under the provisions of the 245th section of the Customs Act, Chapter 32 of the Revised Statutes of Canada, sweat leathers, when imported by hat manufacturers only, for use in their factories in the manufacture of hats, were placed upon the list of articles that may be admitted into Canada free of Customs duty.

Vide Canada Gazette, Vol. XXI, p. 52.

By an Order in Council, bearing date Saturday, 2nd day of July, 1887, under the authority of sub-section 1 of section 245 of Chapter 32 of the Revised Statutes of Canada, it was declared that "noils" (being the short wool which falls from the combs in worsted factories) should be considered as entitled to be entered free of Customs duty.

Vide Canada Gazette, Vol. XXI, p. 92.

By an Order in Council, bearing date Saturday, 2nd day of July, 1887, under authority of sub-section 1 of section 245 of Chapter 32 of the Revised Statutes of Canada, intituled: "An Act respecting the Customs," the following articles were transferred to the list of goods which may be entered free of duty when imported into Canada, namely: "Square reeds and raw hide centres, textile leather or rubber heads, thumbs and tips and steel, iron or nickel caps for whip ends, when imported by whip manufacturers for use in the manufacture of whips in their own factories."

Vide Canada Gazette, Vol. XXI, p. 92.

By an Order in Council bearing date Wednesday, 6th day of July, 1887, under the authority of the 78th section of "The Consolidated Revenue and Audit Act," Chapter 29 of the Revised Statutes of Canada, iron or steel imported by bridge manufacturers for the construction of iron bridges may be admitted under the rates of duty in force prior to 18th of May, 1887, provided the importers present satisfactory evidence that the contracts for the construction of the bridge for which said iron or steel is to be used had been actually entered into prior to the date before mentioned (18th May, 1887).

Vide Canada Gazette, Vol. XXI, p. 140.

Customs.

By an Order in Council bearing date Tuesday, 8th day of November, 1887, under the provisions of Chapter 33 of the Revised Statutes of Canada ("An Act respecting the Duties of Customs"), the following regulations authorized by item 517 in Schedule C to the said Act referring to "Animals for the improvement of stock, viz., horses, cattle, sheep and swine, under regulations made by the Treasury Board and approved by the Governor in Council," were adopted, and the regulations adopted by Order in Council of the 26th of September, 1870, were cancelled:—

REGULATIONS.

1st. In all cases of importation and entry of animals under the provisions of the above mentioned item in the said Act, a certificate of purity of blood given by the breeder of the animals, and accompanied by a certificate of identification, signed and sworn to by the importer, shall be furnished to the collector at the port of entry and in addition thereto there shall be required the further evidence hereinafter mentioned, viz:—

2nd. *Ré Blood Horses.*—A proper pedigree referring to the English or American Stud book to be given by the breeder in his certificate, but in the case of such blood horses whose pedigree is not entered in a Stud book, an authenticated certificate of purity of blood and identification will be sufficient, provided the animal is found on inspection to have the properties and qualification essential to improvement of breed.

3rd. *Short horn cattle.*—The breeders certificate shall embody a correct pedigree, referring to the recognized short horn herd book.

4th. *Hereford cattle.*—The pedigree shall refer to a recognized Hereford herd book.

5th. *Devon cattle.*—The pedigree shall refer to a recognized Devon herd book.

6th. *Ayrshire cattle, Angus cattle, Galloway cattle or Alderney cattle.*—A certificate of purity of blood and identification as mentioned in section 1 will be sufficient.

7th. Any other breed or description of cattle which is not specially named in the foregoing shall be held to be included in the general description embodied in section 1.

8th. *Sheep, pigs and poultry.*—In these cases a similar certificate and identification will be required as in the next preceding case.

Vide Canada Gazette, Vol. XXI, p. 1090.

By an Order in Council, bearing date Tuesday, 11th day of November, 1887, under the authority of section 22, Chapter 32, of the Revised Statutes of Canada, the port of Hillsboro, in the Province of New Brunswick, was reduced to an outport of Customs, and, together with the outports of Alma and Harvey, and the preventive station of Waterside, theretofore attached thereto, were placed under the survey of the port of Moncton, New Brunswick, from and after the 1st day of November, 1887.

Vide Canada Gazette, Vol. XXI, p. 1090.

Customs.

By an Order in Council, bearing date Tuesday, 22nd day of November, 1887, under the provisions of the section 9 of the Revised Statutes of Canada, Chapter 32,—glove leather not being either buck, deer or antelope as mentioned in item 276 in schedule "A" of the Revised Statutes, chapter 33, but being the hide of what is known as the water hog, and tanned in imitation thereof, and not distinguishable therefrom except by an expert,—from and after the passage of this Order was ordered to be classed for duty as provided by item 276 as aforesaid.

Vide Canada Gazette, Vol. XXI, p. 1211.

By an Order in Council bearing date Tuesday, 22nd day of November, 1887, under and by virtue of section 45, sub-section 1, of the Revised Statutes, chapter 32,—copper rollers for use in calico printing when imported by calico printers for use in their factories, in the printing of calicoes and for no other purpose (such rollers not being manufactured in Canada) may be admitted to entry free of Customs duty, until otherwise ordered, upon the importer in each case, making oath at the time of entry, in terms as follows:—

I (1) the undersigned, importer of the copper rollers mentioned in this entry, do solemnly (2) that such copper rollers were specially imported by (3) for use in the printing of calicoes in (4) factory.

I further (2) that the said rollers will be used for the said purpose and that the same will not be used, sold or disposed of by (3) or by any person in (4) employ, for any other purpose or use than as aforesaid.

Vide Canada Gazette, Vol. XXI, p. 1211.

By an Order in Council, bearing date Tuesday, 22nd November, 1887, under the provisions of the 78th section of the Consolidated Revenue and Audit Act, His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order and it is hereby ordered, that anthracite coal must be admitted free of Customs duty.

Vide Canada Gazette, Vol. XXI, p. 1211.

By an Order in Council, bearing date Tuesday, 1st day of December, 1887, under the provisions of the 22nd section of Chapter 32 of the Revised Statutes of Canada, intituled: "An Act respecting the Customs," Lethbridge, in the District of Alberta, North-West Territories, was, from the 1st of January, 1888, erected into an outport of Customs, and a warehousing port, and placed under the survey of the Collector of Customs at the port of Fort Macleod, Alberta.

Vide Canada Gazette, Vol. XXI, p. 1294.

- (1) Name of importer.
- (2) Swear or affirm.
- (3) Me or the firm of , of which I am a member.
- (4) My or our, as the case may be.

Customs.

By an Order in Council, bearing date Saturday, 17th day of December, 1887, under the provisions of the 22nd section of Chapter 32 of the Revised Statutes of Canada, intituled : "An Act respecting the Customs," the village of Agnes, in the Township of Compton, and Province of Quebec, was, from the 1st day of January, 1888, erected into an outport of Customs and a warehousing port, and placed under the survey of the collector of Customs at the port of Sherbrooke, Quebec.

Vide Canada Gazette, Vol. XXI, p. 1416.

By an Order in Council, bearing date Saturday, 17th day of December, 1887, under the provisions of sub-section (l) of section 245 of Chapter 32 of the Revised Statutes of Canada, intituled : "An Act respecting the Customs," retorts, pans, condensers, tubing and pipe, made of platinum, when imported by manufacturers of sulphuric acid for use in their works in the manufacture of concentration of sulphuric acid, were placed on the list of articles that may be admitted into Canada free of Customs duty.

Vide Canada Gazette, Vol. XXI, p. 1416.

By an Order in Council, bearing date Saturday, 17th day of December, 1887, under the authority of sub-section (m) of section 245 of the Customs Act and section 153 of the Inland Revenue Act, subject to the following regulations and restrictions, it was ordered that there may be paid to the Canadian manufacturer of distilled spirits exported, in the manufacture of which foreign duty paid corn has been used, a drawback of two-thirds of the duty paid upon each bushel of foreign corn so used in the spirits exported, and that proof, satisfactory to the Minister of Customs, shall be submitted by the claimant that the corn claimed upon was foreign corn, and such proof may be in the form of a certificate from an inspector or a collector of Inland Revenue, to the effect that the records of such Department show that in the manufacture of each package of spirits claimed upon (and especially designated in such certificate) there was used a stated quantity of foreign corn.

The Minister of Customs shall also be satisfied from evidence presented that duty was paid at certain times and places on the corn claimed to have been used as aforesaid.

There shall further be supplied by the claimant proof that the various packages of spirits claimed upon were duly exported from the Dominion,—such proof to consist of the bill of lading for the spirits, and a form of Customs outward entry, bearing upon its face a certificate of a Canadian Customs officer that the spirits therein mentioned were despatched in a designated railway car or vessel, from a given Canadian port, on a given day, for a stated destination in a foreign country; and the claimant shall be required to supply a certificate from a proper officer of foreign Customs, that the spirits described in such outward entry at Canadian Customs were, in each case, duly landed in such foreign country.

Vide Canada Gazette, Vol. XXI, p. 1417.

Customs.

By an Order in Council, bearing date Friday, 30th day of December, 1887, under the authority of section 22 of Chapter 32 of the Revised Statutes of Canada, the port of Lacolle, in the Province of Quebec, was reduced to an outport of Customs and placed under the survey of the collector of Customs at the port of St. Johns, Province of Quebec, from and after the 1st day of January, 1888.

Vide Canada Gazette, Vol. XXI, p. 1545.

By an Order in Council, bearing date Thursday, 12th day of January, 1888, under the provisions of the 22nd section of Chapter 32 of the Revised Statutes of Canada, intituled: "An Act respecting the Customs," Arnprior, in the County of Renfrew, Province of Ontario, was erected into an outport of Customs and a warehousing port, and placed under the survey of the collector of Customs at the port of Ottawa, Ontario.

Vide Canada Gazette, Vol. XXI, p. 1545.

By an Order in Council, bearing date Thursday 29th day of March, 1888, under the provisions of the 22nd section of Chapter 32 of the Revised Statutes of Canada, intituled "An Act respecting the Customs," the port of Port Darlington, in the Province of Ontario, is, for all purposes of "The Customs Act," is to be known and designated as the Port of Bowmanville, on and after the 1st day of July, 1888.

Vide Canada Gazette, Vol. XXI, p. 2143.

By a Proclamation, bearing date 13th April, 1888, under the Revised Statutes of Canada, Chapter 33, intituled "An Act respecting the Duties of Customs," it was declared that following article, that is to say:—

Green fruits, and edible berries, in their natural condition, viz. Apples, apricots, bananas, cherries, olives, peaches, pineapples, plantains, plums, pomegranates, quinces and shaddocks; blackberries, raspberries and strawberries.

Seeds, viz.:—Clover, grass and flower, canary, chia, cotton, jute, mustard (brown and white), sesame, sugar beet, sugar cane seed, and seeds of fruit and forest trees not edible.

Seeds aromatic, which are not edible and are in a crude state, and not advanced in value or condition by refining or grinding or by any other process of manufacture (in addition to those already on the free list), viz.:—Anise-seed, caraway, cummin seed and Tonquin beans.

Trees, shrubs and plants, viz.:—Apple, cherry, peach, pear, plum, quince and all other fruit trees and the seedling stock of the same. Blackberry, currant, gooseberry, raspberry and rose bushes, grape and strawberry vines, shade, lawn and ornamental trees, shrubs and plants.

Vegetables, viz.:—Citrons, mangoes, melons and yams, may hereafter, until otherwise provided, be imported into Canada free of duty.

Vide Canada Gazette, Vol. XXI, p. 2233.

Customs, &c.

By an Order in Council, bearing date Monday, 23rd April, 1888, under the provisions of the 22nd section of Chapter 32 of the Revised Statutes of Canada, intituled: "An Act respecting the Customs," the outport of Beaver River was abolished from and after the last day of May, 1888.

Vide Canada Gazette, Vol. XXI, p. 2317.

By an Order in Council, bearing date Monday, 23rd day of April, 1888, under the provisions of the 22nd section of "The Customs Act," being Chapter 32 of the Revised Statutes of Canada,—Salmon River, in the County of Digby, and Province of Nova Scotia, was erected into an outport of Customs, and placed under the survey of the collector of Customs at the port of Weymouth, Nova Scotia, to take effect from the 1st day of May, 1888.

Vide Canada Gazette, Vol. XXI, p. 2317.

By an Order in Council, bearing date Wednesday, the 2nd day of May, 1888, under the provisions of the 22nd section of Chapter 32 of the Revised Statutes of Canada, intituled: "An Act respecting the Customs,"—the Customs outport of Silver Islet, under the port of Port Arthur in the Province of Ontario, was abolished.

Vide Canada Gazette, Vol. XXI, p. 2358.

By an Order in Council, bearing date Wednesday, the 2nd day of May, 1888, under the provisions of the 22nd section of Chapter 32 of the Revised Statutes of Canada, intituled: "An Act respecting the Customs,"—Hagersville in the County of Haldimand and Province of Ontario, was erected into an outport of Customs and a warehousing port and placed under the survey of the collector of Customs at the port of Hamilton, to date from the 1st day of July, 1888.

Vide Canada Gazette, Vol. XXI, p. 2395.

Fisheries.

By an Order in Council, bearing date Thursday, 7th day of July, 1887, under the provisions of the 16th section of Chapter 95 of the Revised Statutes of Canada, known and cited as "The Fisheries Act," the Order in Council of the 5th January, 1886, setting apart Brome Lake, in the Province of Quebec, for the natural and artificial propagation of fish, was amended by substituting the following therefor:

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"The waters of Brome Lake, in the Province of Quebec, and its inlets for a distance of one mile from said lake, are hereby set apart for the natural and artificial propagation of fish, from the 1st March to the 1st June, in each year, and no other mode of fishing shall be allowed during the open season than angling by hand with hook and line or trolling with a spoon."

Vide Canada Gazette, Vol. XXI, p. 140.

By an Order in Council, bearing date Wednesday, 27th day of July, 1887, under the provisions of the 16th section of Chapter 95 of the Revised Statutes of Canada, intituled: "An Act respecting Fisheries and Fishing," so much of the Fishery Regulations adopted on the 29th day of August, 1884, as relate to herring fishing in the County of Charlotte, in the Province of New Brunswick, was rescinded, and the following substituted therefor:—

Herring Fishing.

1. No weir, engine or barricade, shall be set or placed on either side of Cow Passage or Cheney's Passage, in the island of Grand Manan, without leaving a continuous clear passage or channel of the width of five hundred feet, following the deepest water of the same; and no wing belonging to or used therewith, or attached to any such weir, engine or barricade, shall extend beyond or into channels of the said passages or either of them so as to diminish the said width of five hundred feet.

2. In no case shall weirs, engines or barricades be placed nearer each other than six hundred feet, distant from and running parallel with each other.

3. No weir, engine or barricade shall be set or used in the County of Charlotte, for the purpose of catching herrings or other fish, except under the authority of an annual license from the Minister of Marine and Fisheries, which license the Minister or any person by him authorized for that purpose, may issue on payment of a fee of five dollars.

4. The fishery overseers of the county or either of them, as the case may be, are authorized and required in the event of a violation of either of these rules, in addition to the penalties imposed, when it is thought necessary by the said overseers in their respective districts, to destroy the said weirs, engines or barricades, or wings belonging to them or used therewith or attached to them, or each or any of them respectively, or such portions thereof as the said overseers in their respective districts may deem necessary.

5. Herrings shall not be taken between the 15th day of July and the 15th day of October in any year, on the spawning ground at the Southern Head of Grand Manan, in the Province of New Brunswick, within the following limits, that is to say:—Commencing at Red Point, in the eastern part of Seal Cove; thence running southerly on a line with Gannet Rock Lighthouse, three miles; thence westerly three miles from shore to a point three miles due west from a rock known as the Old Maid, near the

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southern head of Bradford's Cove; thence east to Old Maid Rock; thence following the shore back to Red Rock the place of beginning. Said limits including the two Wood Islands and passing at the distance of 600 feet around and from each of the weirs under license within said limits.

All nets or other fishing material, apparatus, tackle or gear used for catching herrings on any part of the said ground during the period above described shall be seized and confiscated, and every person so using the same shall be subject to fine as prescribed by the Fisheries Act.

Vide Canada Gazette, Vol. XXI, p. 301.

By an Order in Council, bearing date Saturday, 1st day of October, 1887, under the provisions of the 16th section of Chapter 95 of the Revised Statutes of Canada, known as "The Fisheries Act," the following regulations were established for the better management, protection and regulation of the fisheries, viz.:—

In the Provinces of Nova Scotia and New Brunswick no person shall fish for, catch, kill, buy, sell or have in possession any speckled trout (*salvelinus fontinalis*), lake trout and landlocked salmon between the 1st of October and the 1st of April in each year, both days inclusive.

Vide Canada Gazette, Vol. XXI, p. 742.

By an Order in Council bearing date Thursday, 27th October, 1887, under the provisions of the 16th section of Chapter 95 of the Revised Statutes of Canada, intituled: "An Act respecting Fisheries and Fishing," the Orders in Council of the 8th March, 1875, 26th July, 1877, 21st December, 1877, and 17th February, 1886, relating to the smelt fishery, were rescinded, and the following fishery regulations were adopted in their stead:—

1st. No one shall fish for, catch, kill, buy, sell or have in possession any smelts between the first day of April and the first day of July (both days inclusive) in each year.

2nd. The use of smelts for manure is prohibited.

3rd. The use of seines for the purpose of catching smelts is prohibited.

4th. Smelts shall not be fished for, caught, or killed by means of any kind of bag-nets having meshes of a less size than one inch and a quarter, extension measure.

5th. The use of bag-nets for the purpose of catching smelts is prohibited, except under special license from the Minister of Marine and Fisheries, and then only between the 1st of December and the 15th of February in each year.

Vide Canada Gazette, Vol. XXI, p. 1018.

By an Order in Council, bearing date Saturday, 17th day of December, 1887, under the provisions of the 16th section of Chapter 95 of the Revised Statutes of Canada, intituled: "An Act respecting Fisheries and Fishing,"

Fisheries, &c.

the fishery regulation relating to the lobster fishery adopted by the Order in Council of the 13th March, 1879, was rescinded, and the following adopted in its stead :—

1. On that part of the coast of the Atlantic Ocean extending from Cape Canso westward, and following the coast line of the Bay of Fundy to the United States boundary line, it shall be unlawful to fish for, catch, kill, buy, sell, or have in possession (without lawful excuse) any lobsters between the 1st day of July and the 31st day of December, 1888.

2. In the remaining waters of the Provinces of Nova Scotia and New Brunswick, and in the waters of Prince Edward Island and Quebec (including the Magdalen Islands and Anticosti) it shall be unlawful to fish for, catch, kill, buy, sell or have in possession (without lawful excuse) any lobsters between the 15th day of July and the 31st day of December, 1888.

3. It shall be unlawful at any time to fish for, catch, kill, buy, sell, expose for sale or have in possession any berried or soft-shelled lobsters, or any lobster under nine inches in length, measuring from head to tail, exclusive of claws or feelers, and when caught in fishing apparatus in legal use, they shall be liberated alive by the proprietor, owner, agent, tenant, occupier, partner or person actually in charge, either as occupant or servant, on each of whom shall devolve the proof of such actual liberation, and each of whom shall be deemed to be jointly and severally liable for any penalties or moneys recoverable under the Fisheries Act or of any regulation made under it.

Vide Canada Gazette, Vol. XXI, p. 1593.

Indian Affairs.

By an Order in Council, bearing date Saturday, 1st October, 1887, under the provisions of the 41st section of Chapter 43 of the Revised Statutes of Canada, intituled : " An Act respecting Indians," the following regulations governing the disposal of Indian lands containing minerals other than coal, were adopted and established :—

MINING REGULATIONS.

TO GOVERN THE DISPOSAL OF MINERAL LANDS OTHER THAN COAL LANDS.

1. These regulations shall be applicable to all Indian lands containing gold, silver, cinnabar, lead, tin, copper, petroleum, iron, or other mineral deposit of economic value, with the exception of coal.

2. Any person may explore vacant Indian lands that have been surrendered by the Indians and not appropriated or reserved by the Department of Indian Affairs for other purposes, or Indian reserve lands,

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provided the approval of the Superintendent General of Indian Affairs shall have been previously obtained, and may search therein, either by surface or subterranean prospecting, for mineral deposits, with a view to obtaining under these regulations a mining location for the same, but no mining location or mining claim shall be granted until the discovery of the vein, lode, or deposit of mineral or metal within the limits of the location or claim.

I.—QUARTZ MINING.

3. A location for mining, except for iron, on veins, lodes, or ledges of quartz or other rock in place, shall not exceed forty acres in area. Its surface boundaries shall be straight due north and south and east and west lines not more than four in number. Its length shall not be more than three times its breadth. Its boundaries beneath the surface shall be the vertical planes in which its surface boundaries lie.

4. Any person having discovered a mineral deposit may obtain a mining location therefor, under these regulations, in the following manner :—

(a.) He shall mark the location on the ground by placing at each of its four corners a wooden post, not less than four inches square, driven not less than eighteen inches into the ground, and showing that length above it. If the ground be too rocky to admit of so driving the posts into it, he shall build about each of them, to support it and keep it in place, a cairn or mound of stones, at least three feet in diameter at the base, and eighteen inches high. On the most north-easterly post he shall mark, legibly with a cutting instrument, or with colored chalk, or with a pencil, his name in full, the date of such marking, and the letters M.L. 1, to indicate that the post is a Mining Location post No. 1. Proceeding next to the most south-easterly post, he shall mark it with M.L. 2, and with his initials. Next, the most south-westerly post shall be marked M.L. 3, and with his initials; and, lastly, the most north-westerly post with his initials and the letters M.L. 4. Furthermore, on one of the faces of each post, which face shall in the planting thereof be turned towards the post which next follows it in the order in which they are here named and numbered, there shall be marked in figures the number of yards' distance to such next following post. If means of measurement are not available, the distance to be so marked on each of the posts may be that estimated. If the corner of a location falls in a ravine, bed of a stream, or any other situation where the character of the locality may render the planting of a post impossible, the corner may be indicated by the erection at the nearest suitable point of a witness post, which in that case shall contain the same marks as those prescribed in this clause in regard to corner posts, as well as the letters W.P., and an indication of the bearing and distance of the site of the true corner from such witness post.

(In this manner any subsequent prospector, informed of these regulations, will, on meeting any one of the posts or mounds, be enabled to follow them all round, from one to another, and avoid encroachment, either in search or in marking out another location in the vicinity for himself.)

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(b.) Having so marked out on the ground the location he desires, the claimant shall within ninety days thereafter file with the local agent, in the Indian office for the district in which the location is situate, a declaration on oath according to Form A in the schedule to these regulations (which may be sworn to before the said agent, or may have been previously sworn to before a justice of the peace or commissioner), setting forth the circumstances of his discovery, and describing, as nearly as may be, the locality and dimensions of the claim marked out by him as aforesaid; and shall, along with such declaration, pay to the said agent an entry fee of five dollars.

(c.) If the land has been surrendered by the Indians for purposes of sale the agent shall then give him a receipt, according to Form B in the schedule to these regulations, for such fee. This receipt shall authorize the claimant, his legal representatives or assigns, to enter into possession of the location applied for, and, during the term of one year from its date, to take therefrom and dispose of any mineral deposit contained within its boundaries.

(d.) If the land is within a reserve and unsurrendered the agent shall report the facts of such discovery and application to the Superintendent General of Indian Affairs, and he shall state at the same time whether the interest of the Indians would be prejudicially affected by the location applied for being sold or otherwise, and should the Superintendent General of Indian Affairs decide that it would be in the interest of the Indians to sell the location he shall instruct the local agent to submit the question of surrendering the same to be sold for their benefit to the Indians in council for a vote thereon, and should a majority of the Indians entitled to vote decide to surrender the land a formal surrender in writing shall be taken from them signed by the chief and principal men and duly attested by one of them and the agent in the manner required by law.

(e.) The agent shall then forward the surrender to the Superintendent General of Indian Affairs, who shall upon receipt of the same submit it to His Excellency the Governor General in Council for acceptance.

(f.) Should the surrender be accepted by the Governor General in Council the location applied for shall be dealt with in the manner prescribed by these regulations for the sale of mineral lands.

5. At any time before the expiration of one year from the date of his obtaining the agent's receipt as aforesaid, it shall be open to the claimant to purchase the location on filing with the local agent proof that he has expended not less than five hundred dollars in actual mining operations on the same, such proof to consist of his own sworn statement, accompanied and confirmed by the affidavits of two disinterested persons, setting forth in detail the nature of such operations and the amount expended.

6. The price to be paid for a mining location shall be at the rate of five dollars per acre cash.

7. On making the application to purchase a mining location, and paying the price therefor as hereinbefore provided, the claimant shall also deposit with the agent the sum of fifty dollars, which shall be deemed payment by him to the department of Indian Affairs for the survey of his location; and upon the receipt of the plans and field-notes, and the ap-

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proval thereof by the said department, a patent shall issue to the claimant in the Form D in the schedule hereto. If, on account of its remoteness or other cause, a mining location cannot, at the time of the deposit of fifty dollars by the applicant for the purpose, be surveyed by the said department for that sum, he shall be subject to the alternative of waiting until the employment of a surveyor by the department on other work in the vicinity of the claim renders it convenient to have the survey made at a cost not exceeding fifty dollars, or of sooner procuring at his own cost its survey by a duly commissioned surveyor of the province, district or territory in which the lands are situated, under instructions from the said department; in the latter case, on receipt of the plans and-field notes of the survey and approval thereof by the said department, as hereinbefore provided, the claimant shall be entitled to receive his patent, and to have returned to him the fifty dollars deposited by him to defray cost of survey.

8. Should the claimant, or his legal representatives as aforesaid, fail to prove within one year the expenditure prescribed; or, having proved such expenditure, fail within that time to pay in full, and in cash to the local agent, the price hereinbefore fixed for such mining location, and also to pay the sum of fifty dollars hereinbefore prescribed for the survey of his location, then any right on the part of the claimant or of his legal representatives in the location, or claim on his or their part to acquire it, shall lapse, and the location shall thereupon revert to the Crown and shall be held, along with any immovable improvements thereon, for disposal, under these regulations, to any other person, or as the Superintendent General of Indian Affairs may direct; provided that the Superintendent General of Indian Affairs may, upon sufficient cause being shown, extend the time within which the claimant may purchase his mining location for the additional term of one year, upon payment by the claimant of a new entry fee and the relinquishment of his original receipt, in exchange for which the agent shall, when so directed by the said Minister, give him a new receipt in the Form C in the schedule hereto.

9. Where two or more persons lay claim to the same mining location, the right to acquire it shall be in him who can prove he was the first to discover the mineral deposit involved, and to take possession by demarcation, in the manner prescribed in these regulations, of the location covering it.

10. Priority of discovery alone shall not give the right to acquire; but a person subsequently and independently discovering, who has complied with the other conditions prescribed in these regulations, shall take precedence of the first discoverer if the latter has failed to comply with the said other conditions. Provided, however, that in any case where it is proved that a claimant has in bad faith used the prior discovery of another, and fraudulently affirms that he made independent discovery and demarcation, he shall, apart from any other legal consequences, have no claim, and shall forfeit the deposit made with his application, and shall be absolutely debarred from obtaining another mining location.

11. Not more than one mining location shall be granted to any individual claimant upon the same lode or vein.

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12. Where land is used or occupied for milling purposes, reduction works or other purposes incidental to mining operations, either by the proprietor of a mining location or other person, such land may be applied for and patented, either in connection with, or separate from, a mining location, in the manner hereinbefore provided for the application for, and the patenting of, mining locations, and may be held in addition to any such mining location; but such additional land shall in no case exceed five acres in extent and shall be paid for at the same rate as a mining location.

13. The Superintendent General of Indian Affairs may grant a location for the mining of iron not exceeding 160 acres in area. Provided, that should any person making an application purporting to be for the purpose of mining iron thus obtain, whether in good faith or fraudulently, possession of a valuable mineral deposit other than iron, his right in such deposit shall be restricted to the area hereinbefore prescribed for other minerals, and the rest of the location shall thereupon revert to the Crown for such disposition as the Minister may direct.

14. When there are two or more applicants for any mining location, no one of whom is the original discoverer, or his assignee, the Superintendent General of Indian Affairs, if he sees fit to dispose of the location, shall invite their competitive tenders, or shall put it up to public tender, or auction, as he may deem expedient.

15. An assignment of the right to purchase a mining location shall be indorsed on the back of the receipt or certificate of assignment (Forms B and E, in the schedule hereto) and the execution thereof shall be attested by two disinterested witnesses; upon the deposit of the receipt or certificate with such assignment executed and attested as herein provided, in the office of the local agent, accompanied by a registration fee of two dollars, the local agent shall give to the assignee a receipt in the Form E in the schedule hereto, which certificate shall entitle the assignee to all the rights and privileges of the original discoverer in respect of the claim assigned; and the said assignment shall be forwarded to the Superintendent General of Indian Affairs by the local agent at the same time and in like manner as his other returns respecting Indian lands, and shall be registered in the Department of Indian affairs; and no assignment of the right to purchase a mining location which is not unconditional and in all respects in accordance with the provisions of this clause, and accompanied by the registration fee herein provided for, shall be recognized by the local agent or registered in the Department of Indian Affairs.

16. If application be made under the next preceding clause by the assignee of the right to purchase a mining location, and such claim is duly recognized and registered, as hereinbefore provided, such assignee shall, by complying with all the provisions of clauses 5 and 7, become entitled to purchase the location for the price and on the terms prescribed in these regulations, whether or not his assignor may have previously acquired a mining location under them.

II.—PLACER MINING.

17. The regulations hereinbefore laid down in respect of quartz mining shall be applicable to placer mining so far as they relate to entries,

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entry fees, assignments, marking of locations, agents' receipts, and generally where they can be applied, save that the boundaries of placer mining claims need not be due north and south and east and west lines, and except as otherwise herein provided.

Nature and Size of Claims

18. The size of claims shall be as follows :—

(a.) For "bar diggings," a strip of land 100 feet wide at high water mark, and thence extending into the river to its lowest water level.

(b.) For "dry diggings," 100 feet square.

(c.) "Creek and river claims" shall be 100 feet long, measured in the direction of the general course of the stream and shall extend in width from base to base of the hill or bench on each side, but when the hills or benches are less than 100 feet apart the claim shall be 100 feet square.

(d.) "Bench claims" shall be 100 feet square.

(e.) Every claim on the face of any hill, and fronting on any natural stream or ravine, shall have a frontage of 100 feet, drawn parallel to the main direction thereof, and shall be laid out, as nearly as possible, in the manner prescribed by section 4 of these regulations.

(f.) If any miner or association of miners shall discover a new mine, and such discovery shall be established to the satisfaction of the agent, claims of the following size, in dry, bar, bench, creek, or hill diggings, shall be allowed :—

To one discoverer.....	300 feet in length.
" a party of two.....	600 "
" " three ..	800 "
" " four	1,000 "

and to each member of a party beyond four in number, a claim of the ordinary size only.

A new stratum of auriferous earth or gravel, situated in a locality where the claims are abandoned, shall for this purpose be deemed a new mine, although the same locality shall have been previously worked at a different level ; and dry diggings discovered in the vicinity of bar diggings shall be deemed a new mine, and *vice versa*.

Rights and Duties of Miners.

19. The forms of application for a grant for placer mining, and the grant of the same shall be those contained in Forms F and G in the schedule hereto.

20. The entry of every holder of a grant for placer mining must be renewed, and his receipt relinquished and replaced, every year, the entry fee being paid each time.

21. No miner shall receive a grant of more than one mining claim in the same locality, but the same miner may hold any number of claims by purchase, and any number of miners may unite to work their claims in common upon such terms as they may arrange, provided such agreement be registered with the local agent.

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22. Any miner or association of miners may sell, mortgage, or dispose of his or their claims, provided such disposal be registered with, and a fee of two dollars paid to the local agent, who shall thereupon give the assignee a certificate in Form H in the schedule hereto.

23. Every miner shall, during the continuance of his grant, have the exclusive right of entry upon his own claim, for the miner-like working thereof, and the construction of a residence thereon, and shall be entitled exclusively to all the proceeds realized therefrom, but he shall have no surface rights therein; and the local agent may grant to the holders of adjacent claims such right of entry thereon as may be absolutely necessary for the working of their claims, upon such terms as may to him seem reasonable.

24. Every miner shall be entitled to the use of so much of the water naturally flowing through or past his claim, and not already lawfully appropriated, as shall, in the opinion of the local agent, be necessary for the due working thereof; and shall be entitled to drain his own claim free of charge.

25. A claim shall be deemed to be abandoned and open to occupation and entry by any person when the same shall have remained unworked on working days by the grantee thereof for the space of seventy-two hours, unless sickness or other reasonable cause be shewn, or unless the grantee is absent on leave.

26. A claim granted under these regulations shall be continuously and in good faith worked, except as otherwise provided, by the grantee thereof or by some person on his behalf.

27. In tunnelling under hills, on the frontage of which angles occur, or which may be of an oblong or elliptical form, no party shall be allowed to tunnel from any of the said angles, or from either end of such hills, so as to interfere with parties tunnelling from the main frontage.

28. Tunnels and shafts shall be considered as belonging to the claim for the use of which they are constructed, and as abandoned or forfeited by the abandonment or forfeiture of the claim itself.

29. For the more convenient working of back claims on benches or slopes, the local agent may permit the owners thereof to drive a tunnel through the claims fronting on any creek, ravine or water-course upon such terms as he may deem expedient.

Leave of absence.

30. In cases where water is necessary to the continuance of mining operations and the supply of water is insufficient, the agent shall have power to grant leave of absence to the holder of the grant during such insufficiency but no longer, except by permission of the Superintendent General of Indian Affairs.

31. Any miner or association of miners shall be entitled to leave of absence for one year from his or their diggings upon proving to the satisfaction of the agent that he or they has or have expended on such diggings in cash, labor or machinery an amount not less than five hundred dollars on each of such diggings without any return of gold or other minerals in reasonable quantities from such expenditure.

Indian Affairs.

32. The time occupied by the locator of a claim in going to and returning from the office of the local agent to enter his claim, or for other purposes prescribed by these regulations, shall not be counted against him, but he shall, in such cases, be deemed to be absent on leave.

Administration.

33. In case of the death of any miner while entered as the holder of any mining claim, the provisions as to abandonment shall not apply either during his last illness or after his decease.

34. The local agent shall take possession of the mining property of the deceased, and may cause such mining property to be duly worked, or dispense therewith, at his option, and he shall sell the property by private sale, or, after ten days' notice thereof, by public auction, upon such terms as he shall deem just, and out of the proceeds pay all costs and charges incurred thereby, and pay the balance, if any, to the legal representatives of the said deceased miner.

35. The local agent, or any person authorized by him, shall take charge of all the property of deceased miners until the issue of letters of administration.

III.—BED ROCK FLUMES.

36. It shall be lawful for any local agent, upon the application hereinafter mentioned, to grant to any bed-rock flume company, for any term not exceeding five years, exclusive rights of way through and entry upon any mining ground in his district, for the purpose of constructing, laying and maintaining bed-rock flumes.

37. Three or more persons may constitute themselves into a bed-rock flume company, and every application by them for such grant shall state the names of the applicants and the nature and extent of the privileges sought to be acquired. Ten clear days' notice thereof shall be given between the months of June and November, and between the months of November and June one month's notice shall be given, by affixing the same to a post planted in some conspicuous part of the ground or to the face of the rock, and a copy thereof conspicuously upon the inner walls of the Indian office of the district. Prior to such application, the ground included therein shall be marked out in the manner prescribed in subsection *a* of clause four of these regulations. It shall be competent for any person to protest before the local agent within the times hereinbefore prescribed for the notice of such application, but not afterwards, against such application being granted. Every application for a grant shall be accompanied by a deposit of \$100, which shall be returned if the application be refused, but not otherwise.

38. Every such grant shall be in writing, in the Form I given in the schedule hereto.

39. The holders of claims through which the line of the company's flume is to run may put in a bed-rock flume, in their claims to connect with the company's flume, upon giving the company ten days' notice in writing to that effect; but they shall maintain the like grade, and build

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their flume as thoroughly, and of as strong materials, as that built by such company.

40. Every bed-rock flume company shall lay at least fifty feet of flume during the first year and one hundred feet annually thereafter, until completion of the flume.

41. Any miners lawfully working any claims where a bed-rock flume exists, shall be entitled to tail their sluices, hydraulics and ground sluices into such flume, but so as not to obstruct the free working of such flume by rocks, stones, boulders or otherwise.

42. Upon a grant being made to any bed-rock flume company, the local agent shall register the same, and the company shall pay for such registration a fee of \$10. They shall also pay, in advance, an annual rent of \$10 for each quarter of a mile of right of way legally held by them.

IV.—DRAINAGE OF MINES.

43. The Superintendent General of Indian Affairs may grant to any person, or association of persons, permission to run a drain or tunnel for drainage purposes through any occupied mining land, and may give such persons exclusive rights of way through and entry upon any mining ground for any term not exceeding five years, for the purpose of constructing a drain or drains for the drainage thereof.

44. The grantee shall compensate the owners of lands or holders of claims entered upon by him for any damage they may sustain by the construction of such tunnel or drain, and such compensation, if not agreed upon, shall be settled by the local agent and be paid before such drain or tunnel is constructed.

45. Such tunnel or drain, when constructed, shall be deemed to be the property of the person or persons by whom it shall have been so constructed.

46. Every application for a grant shall state the names of the applicants, the nature and extent of the proposed drain or drains, the amount of toll (if any) to be charged, and the privileges sought to be acquired, and shall, save where the drain is intended only for the drainage of the claim of the person constructing the same, be accompanied by a deposit of \$25, which shall be refunded in case the application is refused, but not otherwise. Notice of the application shall be given, and protests may be made in the same manner as provided in regard to bed-rock flumes.

47. The grant of the right of way to construct drains or tunnels, shall be made in the Form J in the schedule hereto. The grant shall be registered by the grantee in the office of the local agent, to whom he shall at the time pay a registration fee of \$5, or, if the grant gives power to collect tolls, a fee of \$10. An annual rent of \$10 shall be paid, in advance, by the said grantee for each quarter of a mile of right of way legally held by him, save where the drain shall be for the purpose of draining only the claim of the person constructing the same.

V.—DITCHES.

48. The Superintendent General of Indian Affairs may, upon the application hereinafter mentioned, grant to any person, or association of

Indian Affairs.

persons, for any term not exceeding five years, the right to divert and use the water from any stream or lake, at any particular part thereof, and the rights of way through and entry upon any mining ground, for the purpose of constructing ditches and flumes to convey such water ; provided always, that every such grant shall be deemed as appurtenant to the mining claim in respect of which it has been obtained, and, whenever the claim shall have been worked out or abandoned, or whenever the occasion for the use of such water upon the claim shall have permanently ceased, the grant shall be at an end and determine. The grantee shall record the said grant with the local agent during each year of the continuance of the same, and whilst it shall be in operation.

49. Twenty days' notice of the application shall be given, by affixing the same to a post planted in some conspicuous part of the ground, and a copy thereof conspicuously upon the inner walls of the Indian office for the district, and any person may protest within such twenty days, but not afterwards, against such applications being wholly or partially granted.

50. Every application for a grant of water exceeding two hundred inches, shall be accompanied by a deposit of twenty-five dollars, which shall be refunded in case the application is refused, but not otherwise.

51. Every such application shall state the names of the applicants, the name or description of the stream or lake to be diverted, the quantity of water to be taken, the locality for its distribution, and the price (if any) to be charged for the use of such water, and the time necessary for the completion of the ditch. The grant shall be in Form K in the schedule hereto.

52. Every grant of a water privilege on unoccupied creeks, shall be subject to the right of such miners as shall, at the time of such grant, be working on the stream above or below the ditch head, and of any other persons lawfully using such water for any purpose whatsoever.

53. If, after the grant has been made, any miner or miners, locate and *bonâ fide* work any mining claim below the ditch head, on any stream so diverted, he or they collectively shall be entitled to forty inches of water if two hundred inches be diverted, and sixty inches if three hundred inches be diverted, and no more, except upon paying to the owner of the ditch, and all other persons interested therein, compensation equal to the amount of damage sustained by the diversion of such extra quantity of water as may be required ; and, in computing such damage, the loss sustained by any claims using water therefrom, and all other reasonable losses, shall be considered.

54. No person shall be entitled to a grant of the water of any stream, for the purpose of selling the water to present or future claim holders, on any part of such stream. The Superintendent General of Indian Affairs may, however, grant such privileges as he may deem just, when such ditch is intended to work bench or hill claims fronting on any such stream, provided that the rights of miners then using the water so applied for, be protected.

55. The Superintendent General of Indian Affairs may, on the report of the local agent that such action is desirable, order the enlargement or

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alteration of any ditch, and fix the compensation (if any) to be paid by parties to be benefited thereby.

56. Every owner of a ditch or water privilege shall take all reasonable means for utilizing the water granted to him; and if he wilfully take and waste any unreasonable quantity of water, the Minister may, upon the report of the local agent, if such offence be persisted in, declare all rights to the water forfeited.

57. The owner of any ditch or water privilege may distribute the water to such persons, and on such terms, as he may deem advisable, within the limits mentioned in his grant; provided always, that such owner shall be bound to supply water to all miners who make application therefor, in a fair proportion, and shall not demand more from one person than from another, except where the difficulty of supply is enhanced.

58. Any person desiring to bridge any stream, claim, or other place, for any purpose, or to mine under or through any ditch or flume, or to carry water through or over any land already occupied, may, in proper cases, do so with the written sanction of the local agent. In all such cases, the right of the party first in possession is to prevail, so as to enable him to compensation if the same be just.

59. In measuring water in any ditch or sluice, the following rules shall be observed: The water taken into a ditch or sluice shall be measured at the ditch or sluice head. No water shall be taken into a ditch or sluice, except in a trough placed horizontally at the place at which the water enters it. One inch of water shall mean half the quantity that will pass through an orifice two inches high by one inch wide, with a constant head of seven inches above the upper side of the orifice.

60. Whenever it shall be intended, in forming or upholding any ditch, to enter upon and occupy any part of a registered claim, or to dig or loosen any earth or rock, within four feet of any ditch not belonging solely to the registered owner of such claim, three days' notice, in writing, of such intention shall be given before entering or approaching within four feet of such other property.

61. Any person engaged in the construction of any road or work may, with the sanction of the Superintendent General of Indian Affairs, cross, divert, or otherwise interfere with any ditch, water privilege, or other mining rights whatsoever, for such period as the Minister shall approve.

62. The Minister shall order what compensation for every such damage or interference shall be paid, and when, and to whom, and whether any and what works, damaged or affected by such interference as aforesaid shall be replaced by flumes or otherwise repaired by the person or persons inflicting any such damage.

63. The owners of any ditch, water privilege, or mining right shall, at their own expense, construct, secure and maintain all culverts necessary for the passage of waste and superfluous water flowing through or over any such ditch, water privilege or right.

64. The owners of any ditch or water privilege shall construct and secure the same in a proper and substantial manner, and maintain the

Indian Affairs.

same in good repair to the satisfaction of the local agent, and so that no damage shall occur to any road or work in its vicinity from any part of the works of such ditch, water privilege or right.

65. The owners of any ditch, water privilege or right shall be liable, and shall make good, in such manner as the local agent shall determine, all damages which may be occasioned by or through any parts of the works of such ditch, water privilege or right breaking or being imperfect.

66. Nothing herein contained shall be construed to limit the right of the Lieutenant Governor of the North-West Territories in Council, or of the proper authority in any Province containing Indian lands, to lay out, from time to time, public roads across, through, along or under any ditch, water privilege or mining right, without compensation.

VI.—GENERAL PROVISIONS.

Interpretation.

67. In these regulations the following expressions shall have the following meaning respectively, unless inconsistent with the context:—

“Minister” shall mean the Superintendent General of Indian Affairs.

“Agent” or “local agent” shall mean the Indian agent, Indian superintendent or Indian lands agent, as the case may be, for the district, or other officer appointed by the Government for the particular purpose referred to.

“Mineral” shall include all minerals whatsoever other than coal.

“Close season” shall mean the period of the year during which placer mining is generally suspended.

“Miner” shall mean a person holding a mining location or a grant for placer mining.

“Claim” shall mean the personal right of property in a placer mine or diggings during the time for which the grant of such mine or diggings is made.

“Bar diggings” shall mean any mine over which a river extends when in its flooded state.

“Dry diggings” shall mean any mine over which a river never extends.

The mines or benches shall be known as “Bench Digging,” and shall, for the purpose of defining the size of such claims, be excepted from “dry diggings.”

“Streams and ravines” shall include water-courses whether usually containing water or not, and all rivers, creeks and gulches.

“Ditch” shall include a flume or race, or other artificial means for conducting water by its own weight, to be used for mining purposes.

“Ditch head” shall mean the point in a natural water-course or lake where water is first taken into a ditch.

“Claimant” shall mean a person who has obtained an entry for a mining location with a view to patent.

“Placer mining” shall mean the working of all forms of deposits excepting veins of quartz or other rock in place.

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"Quartz mining" shall mean the working of veins of quartz, or other rock in place.

"Location" shall mean the land entered by or patented to any person for the purpose of quartz mining.

Hearing and Decision of Disputes.

68. The local agent shall have power to hear and determine all disputes in regard to mining property arising within his district, subject to appeal, by either of the parties, to the Deputy Superintendent General of Indian Affairs.

69. No particular forms of procedure shall be necessary, but the matter complained of must be properly expressed in writing, and a copy of the complaint shall be served on the opposite party not less than days before the hearing of the said complaint.

70. The complaint may, by leave of the local agent, be amended at any time before or during the proceedings.

71. The complainant shall, at the time of filing his complaint, deposit therewith a bond-fee of \$10, which shall be returned to him if the complaint proves to have been well-founded, and not otherwise, except for special cause by direction of the Superintendent General of Indian Affairs.

72. In the event of the decision of the local agent being made the subject of an appeal to the Deputy Superintendent General of Indian Affairs, the appellant shall, at the time of lodging the appeal, deposit with the local agent a bond fee of \$10, which shall be returned to the said appellant if his appeal proves to have been well-founded, and not otherwise, except for special cause by direction of the Superintendent General of Indian Affairs.

73. The appeal must be in writing and must be lodged with the local agent not more than three days after he has given his decision, and must state the grounds upon which the said decision is appealed from.

74. If the Deputy Superintendent General of Indian Affairs decides that it is necessary to a proper decision of the matter in issue to have an investigation on the ground,—or in cases of disputed boundaries or measurements, to employ a surveyor to measure or survey the land in question, the expense of the inspection or re-measurement or re-survey, as the case may be, shall be borne by the litigants, who shall pay into the hands of the said Deputy Superintendent General of Indian Affairs, in equal parts, such sum as he may think sufficient for the same before it takes place; otherwise it shall not proceed, and the party who refuses to pay such sum shall be adjudged in default. The said Deputy Superintendent General of Indian Affairs shall subsequently decide in what proportion the said expense should be borne by the parties respectively, and the surplusage, if any, shall then be returned to the parties as he may order.

75. All bond fees adjudged as forfeited by the local agent or Deputy Superintendent General of Indian Affairs, and all payments retained under the last preceding section shall, as soon as decision has been rendered, and all entry and other fees or moneys shall, as soon as they have been received by him, be paid by the said agent or Deputy Superintendent General of

Indian Affairs.

Indian Affairs to the credit of the Receiver General in the same manner as other moneys received by him on account of Indian lands.

Leave of Absence.

76. The agent in each district shall, under instructions from the Superintendent General of Indian Affairs, declare the close season in his district.

77. Each holder of a mining location or of a grant for placer mining shall be entitled to be absent from his mining location or diggings and to suspend work thereon during the close season.

78. The local agent shall have power to grant leave of absence to the holder of a mining location or grant for placer mining pending the decision of any dispute in which he is concerned under these regulations.

79. The Superintendent General of Indian Affairs shall, from time to time, as he may think fit, declare the boundaries of mineral and mining districts, and shall cause a description of the same to be published in the *Canada Gazette*.

80. The Superintendent General of Indian Affairs may direct mineral and mining locations to be laid out within such districts wherever, from report of the director of the Geological Survey, or from other information, he has reason to believe there are mineral deposits of economic value, and may sell the same to applicants therefor, who, in his opinion, are able and intend in good faith to work the same; or he may, from time to time, cause the said locations to be sold by public auction or tender. Such sales shall be for cash, and at prices in no case lower than those prescribed for locations sold to original discoverers, and shall otherwise be subject to all the provisions of these regulations.

Royalty.

81. The patent for a mining or mineral location shall reserve to the Crown, forever, a royalty of 4 per cent. on the sales of the products of all mines therein in trust for the Indians interested in the land patented.

82. Returns shall be made by the grantee, sworn to by him, or by his agent or other employé in charge of the mine, at monthly or other such intervals as may be required by the Superintendent General of Indian Affairs, of all products of his mining location, and of the price or amount he received for the same.

Miscellaneous.

83. The local agent shall have the power to summarily order any mining works to be so carried on as not to interfere with or endanger the safety of the public, any public work or highway, or any mining property, mineral lands, mining claims, bed-rock drains or flumes; and any abandoned works may, by his order, be either filled up or guarded to his satisfaction, at the cost of the parties who may have constructed the same, or in their absence upon such terms as he shall think fit.

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84. The agent in each district, acting under instructions to be from time to time issued by the Superintendent General of Indian Affairs, shall cause to be laid out, at the expense of the person or persons applying for the same, a space of ground for deposits of leavings and deads from any tunnel or mining ground.

Forfeiture.

85. In the event of the breach of these regulations or any of them, by any person holding a grant or right of any description from the Crown, or from the Superintendent General of Indian Affairs, or from any duly authorized officer of Indian lands, such right or grant shall be absolutely forfeited *ipso facto*, and the person so offending shall be incapable thereafter of acquiring any such right or grant, unless for special cause otherwise decided by the Superintendent General of Indian Affairs.

SCHEDULE TO MINING REGULATIONS.

FORM A.—APPLICATION AND AFFIDAVIT OF DISCOVERER OF QUARTZ MINE.

I, (A.B.) of hereby apply'
under the Indian Lands Mining Regulations, for a mining location in
(here give general description of locality)
for the purpose of mining for
(here name the metal or mineral)

and I hereby and solemnly swear:—

1. That I have discovered therein a deposit of
(here name the metal or mineral).
2. That I am to the best of my knowledge and belief the first discoverer of the said deposit.
3. That I am unaware that the land is other than vacant Indian land.
4. That I did, on the day of
mark out on the ground, in accordance with every particular with the provisions of sub-section a, of clause 4 of the said mining regulations, the location for which I make this application, and that in so doing I did not encroach on any mining location previously laid out by any other person
5. That the said mining location contains, as nearly as I could measure or estimate, an area of acres, and that the description (and sketch, if any), of this date hereto attached, signed by me, set forth in detail to the best of my knowledge and ability its position, form and dimensions.

6. That I make this application in good faith to acquire the land for the sole purpose of mining to be prosecuted by myself, or by myself and associates, or by my assigns.

Sworn before me at

this day of

18 .

} (Signature.)

*Indian Affairs.***FORM B.—RECEIPT FOR THE FEE PAID BY APPLICANT FOR MINING LOCATION.**

No.....

DEPARTMENT OF INDIAN AFFAIRS,
Office of the Indian Agency at 18 .

Received from (A.B.) of five dollars, being the fee required by sub-section *b*, of clause four of the Indian Lands Mining Regulations, accompanying his application No. , dated 18 , for a mining location in (insert general description of locality).

This receipt authorizes the said (A.B.) his legal representatives or assigns, to enter into possession of the said mining location, and, during the term of one year from the date of this receipt, to take therefrom and dispose of any mineral deposit contained within its boundaries, and, on due compliance at any time within that period with the several requirements in that behalf of the said mining regulations, entitles him or them to purchase the said location which, provisionally, and until survey thereof, may be known and described as follows: (insert description in detail).

If the said (A.B.) or his legal representatives or assigns, fail to comply, as aforesaid, with the conditions that would entitle him or them to purchase within one year from this date, or, having so complied, do not within that time make payment in full for the land, and also pay the sum of fifty dollars prescribed in the said regulations for the survey of the location, then the right to purchase shall lapse and the mining location shall revert to the Crown, to be otherwise disposed of as may be directed by the Superintendent General of Indian Affairs.

*Indian Agent.***FORM C.—RECEIPT FOR FEE ON EXTENSION OF TIME FOR PURCHASE OF A MINING LOCATION.**

No.....

DEPARTMENT OF INDIAN AFFAIRS,
Office of the Indian Agency at , 18 .

Received from (A.B.) of , five dollars, being the fee required by clause eight of the Indian Lands Mining Regulations, accompanying his application No. , dated 18 , for the extension of the time within which he may purchase the mining location described as follows: (insert description in detail) for which he obtained an entry No. on the 18

This receipt authorizes the said (A.B.) his legal representatives or assigns, to continue in possession of the said mining location, and during the term of one year from the 18 , to take therefrom and dispose of any mineral deposit contained within its boundaries.

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and, on due compliance at any time within that period with the several requirements in that behalf of the said mining regulations, entitles him or them to purchase the said location which, provisionally, and until survey thereof, may be known and described as above.

If the said (A.B.) or his legal representatives or assigns, fail to comply, as aforesaid, with the conditions that would entitle him or them to purchase within one year from this date, or having so complied, do not within that time make payment in full for the land, and also pay the sum of fifty dollars prescribed in the said regulations for the survey of the location, then the right to purchase shall lapse, and the mining location shall revert to the Crown, to be otherwise disposed of as may be directed by the Superintendent General of Indian Affairs.

Indian Agent.

FORM D. — PATENT OF A MINING LOCATION.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith—To all to whom these presents shall come, Greeting:

Know ye that we do by these presents, for us, our heirs and successors, in consideration of (the fulfilment of the Indian Lands Mining Regulations of our Dominion of Canada) give and grant unto , h heirs and assigns, all that parcel or lot of land situate and numbered on the official plan of survey of the said , to have and to hold the said parcel of land, and all minerals, precious and base, which may be found therein, unto the said h heirs and assigns forever;

Provided that it shall at all times be lawful for us, our heirs and successors, or any person by our authority, to resume any portion (not exceeding one-twentieth part) of the said lands for making roads, canals, bridges, towing paths, or other works of public utility or convenience, but no such resumption shall be made of land on which any permanent buildings may have been erected, without compensation;

Provided also, that it shall be lawful for any person duly authorized by us, our heirs and successors, to take and occupy such water privileges, and to have and enjoy such right of carrying water over, through or under any parts of the hereditaments hereby granted as may be reasonably required for agricultural or other purposes in the vicinity of the said land, upon paying therefor a reasonable compensation to the aforesaid , h heirs and assigns;

Provided further, that a royalty of four per cent. shall be paid to us, our heirs and successors, upon all the gold and silver produced from the said lands.

Indian Affairs.

FORM E.—CERTIFICATE OF THE ASSIGNMENT OF A MINING LOCATION.

No.....

DEPARTMENT OF INDIAN AFFAIRS,
Office of the Indian Agency at _____, 18 .

This is to certify that (B.C.) of _____ has filed an assignment in due form, dated _____ 18 , and accompanied by a registration fee of two dollars, of the right of (A.B.) of _____ to purchase the mining location in _____ (here insert general description of locality) applied for by the said (A.B.) on the _____ 18 .

This certificate entitles the said (B.C.), or his legal representatives or assigns, to all the rights and privileges of the said (A.B.), in respect of the claim assigned and hereinafter described; that is to say, to enter into possession of the said mining location, and during the term of one year from the date of the receipt No. _____, granted to the said (A.B.), dated the _____ day of _____ 18 , to take therefrom and dispose of

any mineral deposit contained within its boundaries, and on due compliance at any time within that period with the several requirements in that behalf of the said mining regulations, entitles him or them to purchase the said location, which, provisionally, and until survey thereof, may be known and described as follows:—(Insert description in detail.)

If the said (B.C.), or his legal representatives or assigns, fail to comply as aforesaid with the conditions that would entitle them to purchase within one year of the date of the receipt granted to (A.B.), and now deposited with me, or having so complied, do not within that time make payment in full for the land, and also pay the sum of fifty dollars prescribed in the said regulations for the survey of the location, then the right to purchase shall lapse, and the mining location shall revert to the Crown, to be otherwise disposed of as may be directed by the Superintendent General of Indian Affairs.

Indian Agent.

FORM F.—APPLICATION FOR GRANT FOR PLACER MINING AND AFFIDAVIT OF APPLICANT.

I, _____ (A.B.), _____, hereby apply, under the Indian Lands Mining Regulations, for a grant of a claim for placer mining, as defined in the said regulations, in _____

(here describe locality)

and I solemnly swear:

1. That I have discovered therein a deposit of (here name the metal or mineral).

2. That I am, to the best of my knowledge and belief, the first discoverer of the said deposits; or

(2. That the said claim was previously granted to (here name the last grantee), but has remained unworked by the said grantee for not less than _____)

Indian Affairs.

3. That I am unaware that the land is other than vacant Indian land.

4. That I did, on the _____ day of _____, mark out on the ground, in accordance, in every particular, with the provisions of sub-section *a* of clause four of the said mining regulations, the claim for which I make this application, and that in so doing I did not encroach on any other claim or mining location previously laid out by any other person.

5. That the said claim contains, as nearly as I could measure or estimate, an area of _____ square feet, and that the description (and sketch, if any) of this date hereto attached, signed by me, sets forth in detail, to the best of my knowledge and ability, its position, form and dimensions.

6. That I make this application in good faith to acquire the claim for the sole purpose of mining to be prosecuted by myself, or by myself and associates, or by my assigns.

Sworn before me at _____

this _____

18 _____

day of _____

} (Signature.)

FORM G.—GRANT FOR PLACER MINING.

No.....

DEPARTMENT OF INDIAN AFFAIRS,
Office of the Indian Agency, at _____ 18 .

In consideration of the payment of five dollars, being the fee required by the provisions of the Indian Lands Mining Regulations, clauses four and twenty, by _____ (A.B.), of _____ accompanying his application No. _____, dated _____ 18 _____, for a mining claim in (here insert description of locality.)

The Superintendent General of Indian Affairs hereby grants to the said _____ (A.B.), for the term of one year from the date hereof, the exclusive right of entry upon the claim _____ (here describe in detail the claim granted) for the miner-like working thereof and the construction of a residence thereon, and the exclusive right to all the proceeds realized therefrom.

The said _____ (A. B.) shall be entitled to the use of so much of the water naturally flowing through or past his claim, and not already lawfully appropriated, as shall be necessary for the due working thereof, and to drain his claim free of charge.

This grant does not convey to the said _____ (A. B.) any surface rights in the said claim, or any right of ownership in the soil covered by the said claim; and the said grant shall lapse and be forfeited unless the claim is continuously and in good faith worked by the said _____ (A. B.) or his associates.

The rights hereby granted are those laid down in the aforesaid mining regulations, and no more, and are subject to all the provisions of the said regulations, whether the same are expressed herein or not.

Indian Agent.

*Indian Affairs.***FORM H.—CERTIFICATE OF THE ASSIGNMENT OF A PLACER MINING CLAIM.**

No.....

DEPARTMENT OF INDIAN AFFAIRS,

Office of the Indian Agency at , 18 .

This is to certify that (B. C.) of , has filed an assignment in due form, dated 18 , and accompanied by a registration fee of two dollars, of the grant to (A. B.) of the right to mine in (insert description of claim) for one year from the , 18 .

This certificate entitles the said (B.C.) to all the rights and privileges of the said (A.B.) in respect of the claim assigned, that is to say, to the exclusive right of entry upon the said claim for the miner-like working thereof, and the construction of a residence thereon, and the exclusive right to the proceeds realized therefrom, for the remaining portion of the year for which the said claim was granted to the said (A.B.) , that is to say, until the day of , 18 .

The said (B.C.) shall be entitled to the use of so much of the water naturally flowing through or past his claim and not already lawfully appropriated as shall be necessary for the due working thereof, and to drain his claim free of charge.

This grant does not convey to the said (B.C.) any surface rights in the said claim, or any right of ownership in the soil covered by the said claim ; and the said grant shall lapse and be forfeited unless the claim is continuously and in good faith worked by the said (B.C.) or his associates.

The rights hereby granted are those laid down in the aforesaid mining regulations, and no more, and are subject to all the provisions of the said regulations, whether the same are expressed herein or not.

*Indian Agent.***FORM I.—GRANT TO A BED-ROCK FLUME COMPANY.**

No.....

DEPARTMENT OF INDIAN AFFAIRS,

Office of the Indian Agency, at , 18 .

In consideration of the payment of a deposit of one hundred dollars, required by clause thirty-seven of Indian Lands Mining Regulations to be made with the application of a Bed-Rock Flume Company, and of the further sum of ten dollars, being the fee for registration of this grant required by clause forty-two of the said regulations.

The Superintendent General of Indian Affairs hereby grants to (names of members of company) forming together a Bed-Rock Flume Company [known as the (title of company)], the following rights and privileges, that is to say :—

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(a.) The rights of way through and entry upon any new and unworked river, creek, gulch or ravine, and the exclusive right to locate and work a strip of ground one hundred feet wide and two hundred feet long in the bed thereof to each individual of the company ;

(b.) The rights of way through and entry upon any river, creek, gulch or ravine worked by miners for any period longer than two years prior to such entry, and already wholly or partially abandoned, and the exclusive right to stake out and work both the unworked and abandoned portions thereof, one hundred feet in width, and one quarter of a mile in length for each individual of the company ;

(c.) The rights of way through and entry upon all claims, which at the time of the notice of application, are in good faith being worked, for the purpose of cutting a channel and laying their flume therein, with such reasonable space for constructing, maintaining and repairing the flume as may be necessary.

(d.) The use of so much of the unappropriated water of the stream on which they may be located, and of other adjacent streams, as may be necessary for the use of their flumes, hydraulic power, and machinery to carry on their operations and the right of way for ditches and flumes to convey the necessary water to their works, subject to the payment of any damage which may be done to other parties by running such ditch or flume through or over their ground ;

Provided, that the rights herein granted shall apply only to such claims and streams as are here specified : (insert description of claims and streams) and such other claims and streams as may after due notice and application, be subsequently added to the above list by the Superintendent General of Indian Affairs, under the hand of the local agent ;

Provided also, that the said company shall pay to the local agent, in advance, an annual rent of ten dollars for each quarter of a mile of right of way legally held by them ;

Provided, further, that this grant is subject to all the provisions of the Indian Lands Mining Regulations in that behalf, whether the same are expressed herein or not.

This grant shall cease and determine at the expiration of years from the date hereof.

Indian Agent.

FORM J.—GRANT FOR DRAINAGE.

No..... ..

DEPARTMENT OF INDIAN AFFAIRS,

Office of the Indian Agency, at , 18 .

In consideration of the payment of a deposit of twenty-five dollars required by clause forty-six of the Indian Lands Mining Regulations to be made with the application for a grant of right of way to construct drains and of the further sum of dollars, being the fee for the registration of this grant required by clause forty-seven of the said regulations

Indian Affairs.

The Superintendent General of Indian Affairs hereby grants to (name or names of grantee or grantees) the right to run a drain or tunnel for drainage purposes through the occupied mining lands here specified (here describe mining lands) and further, for a term of from the date hereof, exclusive rights of way through and entry upon the following mining grounds: (here insert description) for the purpose of constructing a drain or drains for the drainage thereof; and the right to charge the following tolls for the use thereof: (insert tariff of tolls);

Provided, that the grantee shall construct such drain or drains of sufficient size to meet all requirements within from the date hereof and keep the same in thorough working order and repair, and free from all obstructions; and shall, within a reasonable time, construct proper tap-drains from or into any adjacent claims, upon being requested by the owners thereof, and in default thereof shall permit such parties to make them themselves, in which case such parties shall only be chargeable with one-half the rates of drainage toll herein authorized;

Provided, also, that the said grantee shall compensate the owners of lands or holders of claims entered upon by for any damage they may sustain by the construction of such tunnel or drain;

Provided, further, that the said grantee shall pay to the local agent, in advance, an annual rent of ten dollars for each quarter of a mile of right of way legally held by ;

Provided, further, that this grant is subject to all the provisions of the Indian Lands Mining Regulations in that behalf, whether the same are expressed herein or not.

Indian Agent.

FORM K.—GRANT OF RIGHT TO DIVERT WATER AND CONSTRUCT DITCHES.

No.....

DEPARTMENT OF INDIAN AFFAIRS,

Office of the Indian Agent at , 18 .

In consideration of the payment of a deposit of twenty-five dollars, required by clause fifty of the Indian Lands Mining Regulations to be made with the application for the right to divert water and construct ditches,

The Superintendent General of Indian Affairs hereby grants to (A.B.) , for the term of years from the date hereof, the right to divert and use the water from (specify stream or lake) to the extent of inches, and no more, to be distributed as follows:— (describe locality of distribution) together with the right to charge the following rates for the use of the said water:— (insert rates to be charged) and the rights of way through and entry upon the following mining grounds (insert description) for the purpose of constructing ditches and flumes to convey

Indian Affairs.

such water, provided such ditches and flumes are constructed and in working order within from the date hereof;

Provided that this grant shall be deemed to be appurtenant to mining claim No. , and shall cease and determine whenever the said claim shall have been worked out or abandoned, or the occasion for the use of such water upon the said claim shall have permanently ceased.

Provided, also, that this grant is subject to all the provisions of the Indian Lands Mining Regulations in that behalf, whether the same are expressed herein or not.

Indian Agent.

Vide Canada Gazette, Vol. XXI, p. 734.

By Order in Council bearing date Wednesday, 26th October, 1887, under the provisions of the forty-first section of Chapter forty-three of the Revised Statutes of Canada, intituled: "An Act respecting Indians," the following regulations for the disposal of the surrendered Indian lands, prescribing the conditions on which sales of the same may be made subject to the conditions of surrender and the provisions of the aforesaid Act, were approved:

REGULATIONS for the Disposal of Surrendered Indians Lands.

1st. Not more than four lots of 100 acres each, more or less, nor less than one such lot, or more than one section of 640 acres, more or less, or less than one quarter of such section shall be sold to any one purchaser.

2nd. Not less than one-fifth of the purchase money shall be paid at date of sale, and the balance must be paid in equal annual consecutive instalments with interest at six per centum on each instalment from date of sale to date of payment. Payment to be made into a branch of any chartered bank of Canada, to the credit of the Minister of Finance and Receiver General, on account of Indian funds, and bank certificates—duplicate and triplicate—and drafts to be handed or sent to the agent within whose agency the lands on account of which such payment has been made are situated.

3rd. Settlement on the lot or lots included in any sale, is one of the conditions thereof, and shall consist of actual occupation and improvement of the land, which must commence within six months from the date of sale and be continuous for a period of three years; within which time there shall be cleared and fenced at least five acres in every one hundred acres, or in that proportion; also a dwelling house of not less than 18 by 24 feet must be erected on the land included in any sale.

4th. No timber, saw-logs, staves, lathwood, shingle bolts, cordwood, or any other description of wood may be cut for sale until the patent for the lot shall have issued, except that the same may be cut under license, issued under existing regulations governing the issue of such licenses, to the party residing thereon by the Indian lands agent, covering any trees cut on the location in actually clearing the land for cultivation, other than

Indian Affairs.

pine or spruce, which are reserved from the operation of the sale of the land, and may be otherwise disposed of by the Department, and may be cut and removed by the purchaser of said pine or spruce, up to the date on which the patent covering the land shall issue.

5th. Any violations of the above conditions of sale will render the land in respect to which the same has taken place, as well as all moneys paid on account thereof, forfeitable, by order of the Superintendent General of Indian Affairs.

6th. The above regulations as to occupation and improvement shall not apply to any lands in respect to which the Superintendent General of Indian Affairs has received a report sworn to by a competent, reliable, and disinterested person, appointed by the Superintendent General of Indian Affairs to examine such lands, that the same are in whole or for the most part unfit for cultivation. In the case of such lands, the Superintendent General of Indian Affairs, may dispose of the same, or of the timber or other valuables thereon or therein, to the best possible advantage in the interest of the Indians, without reference to occupation or improvement.

Vide Canada Gazette, Vol. XXI, p. 1018.

By Order in Council bearing date Tuesday, 11th October, 1887, under the provisions of the 41st section of chapter 43 of the Revised Statutes of Canada, intituled: "An Act respecting Indians," the following regulations for the disposal of coal lands within Indian reserves in the Province of Manitoba and in the North-West Territories, which have been or may be surrendered by the Indians to be disposed of for their benefit, were approved:—

1. A royalty of ten cents on every ton of coal excavated shall be paid by the purchaser or purchasers of any coal lands situated within an Indian reserve.

2. Coal lands situated on any reserve within the Cascade coal district which have been surrendered shall be sold at an upset price of \$12.50 per acre cash, and the lands situated on Indian reserves within all the other coal districts at an upset price of \$10 per acre cash.

(a.) Not more than three hundred and twenty acres shall be sold to one applicant.

(b.) When there is more than one applicant for the same coal location, the Superintendent General of Indian Affairs may invite competition between the several applicants, or offer the land for sale at public competition by tender or by auction, as he may think expedient, at the upset price of coal lands in the district in which such coal location is situated.

(c.) When applications are made to purchase coal locations situated outside of the organized coal districts, the Superintendent General of Indian Affairs may sell the same to the applicants at the price and on the terms which would apply if the lands were within an organized coal district.

3. The boundaries beneath the surface of coal mining locations shall be the vertical planes or lines in which their surface boundaries lie.

Indian Affairs.

4. All the employés, not being Indians of the reserve, engaged in mining on an Indian reserve, shall be married men living with their wives and families, at or in the vicinity of the mines.

5. The purchaser or purchasers, shall pay the wages of such number of constables, to be appointed by the Department, as may be necessary to prevent all intercourse between the Indians resident upon a reserve and the employés engaged in mining, and to preserve order among the employés. This regulation, however, is not to apply to Indians resident upon such reserve who are legitimately employed in connection with the said mines, but it is intended for the purpose of excluding from the said mines Indians—male or female—not so employed, as well as to prevent employés other than Indians engaged in mining from visiting the portion of the reserve occupied by the Indians.

Vide Canada Gazette, Vol. XXI, p. 1090.

By Order in Council of Thursday, 12th day of January, 1888, under the provisions of the 54th section of Chapter 43 of the Revised Statutes of Canada, intituled: "An Act respecting Indians," the accompanying regulations to govern the sale of timber on Indian lands in the Provinces of Ontario and Quebec were adopted and established:—

1st. The Superintendent General of Indian Affairs may, at his discretion, cause the limit lines of any timber berths under license, which have not been already surveyed, or when the lines of survey have been obliterated by fire or from other cause, to be properly surveyed and run, the costs of such survey to be paid by the holder of the license; and where two or more licensees are interested in the survey, the Superintendent General of Indian Affairs shall determine what portion of the costs of the survey shall be paid by each, and such costs of survey shall be a charge upon the timber berth, to be paid with the ground rent before renewal of the license.

2nd. The Superintendent General of Indian Affairs before granting any licenses for new timber berths in unsurveyed Indian reserves or lands, shall cause such berths to be surveyed, and the Superintendent General of Indian Affairs may cause any reserve or other Indian lands to be subdivided into as many timber berths as he may think proper.

3rd. The berths or limits when surveyed and set off, and all new berths or limits in unsurveyed territory, shall be explored and valued, and then offered for sale by public auction at the upset price fixed by such valuation, at such time and place, and on such conditions, and by such officer, as the Superintendent General of Indian Affairs shall direct, by public notice for that purpose, and shall be sold to the highest bidder for cash at the time of sale.

4th. All forfeited timber berths may be offered for sale by public auction, and such sale shall be at such upset price, and at such time and place as the Superintendent General of Indian Affairs may fix and appoint by public notice, and shall be awarded to the highest bidder making payment at the time of sale; but should the said timber berth not be then

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sold, the same may be granted to any applicant willing to pay the said upset price and ground rent, or on such other terms as the Superintendent General of Indian Affairs may direct.

5th. License-holders who shall have complied with all existing regulations shall be entitled to have their licenses renewed on application to the Superintendent General of Indian Affairs.

6th. The Superintendent General of Indian Affairs shall keep a register of all licenses granted or renewed, and of all transfers of such licenses; and a copy of such register, with a plan of the licensed limits, shall be kept by the Indian agent, or Indian land agent of the locality, and shall be open to public inspection.

7th. All transfers of timber berths shall be made in writing, but shall be subject to the approval of the Superintendent General of Indian Affairs, to whom they shall be transmitted for approval or rejection, and they shall be valid only from the time of such approval to be expressed in writing. In all cases of transfer of limits or timber berths, they will be subject to the payment of two dollars per square mile for each limit or berth, and in proportion if only a part is transferred, or if the license holder takes in one or more partners with him.

8th. Timber berths are to be described in new licenses as "not to interfere with prior licenses existing or to be renewed in virtue of regulations." When the description of any berth or boundary, as given by any license, clashes with the description of any other licensed berth or territory, the license of more recent origin (tracing back only to the time when such license or any previous license, of which it is a renewal, was first granted) shall give way, and the Superintendent General of Indian Affairs may amend or cancel such license wholly or in part, and substitute another in place thereof, so as to correct the description of the berth or limit intended to be licensed; and in all cases where any license has issued in error or mistake, or is found to be inconsistent with any other license, or inconsistent or incompatible with the regulations under which it was granted, the Superintendent General of Indian Affairs may cause it to be cancelled or amended, or he may refer all matters in dispute with reference to the boundaries and position of timber limits to arbitration—each of the contending parties to choose one arbitrator; and the Superintendent General of Indian Affairs shall appoint an umpire, naming a day on or before which the award of such arbitrators or of such umpire shall be made and delivered to the parties, and such award shall be binding on them.

9th. Timber cut on limits for which license has been suspended or held in abeyance, shall be considered as having been cut without authority and treated accordingly.

10th. Purchasers of Indian lands, who have not completed all the conditions of sale shall not, unless under settler's license, or for clearing, fencing or building purposes on the said land, be permitted to cut timber or logs thereon, or to dispose of it to others. Persons found doing so shall be subject to the penalties established by law, for cutting timber on Indian lands without authority. On all lands sold on or after the issue of a

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license, the licensee may, in virtue of said license, not cut any description of timber excepting merchantable pine and spruce, which he may continue to cut until the purchaser of the land shall have fulfilled all conditions of sale entitling him to a patent for the said land, when the right of the licensee to cut pine or spruce thereon shall cease; but it will rest with the purchaser to notify the licensee, and, if required to do so, to furnish sufficient proof to him that he has fulfilled such conditions of sale.

11th. All timber licenses are to expire on the 30th of April next after the date thereof, and all renewals are to be applied for before the 1st of July following the expiration of the last preceding license, in default whereof the berth or berths shall be treated as *de facto* forfeited.

12th. No renewal of any license shall be granted unless the limit covered thereby has been properly worked during the preceding season, or sufficient reason be given under oath, and the same be satisfactory to the Superintendent General of Indian Affairs, for the non-working of the limit, and unless or until the ground rent and all costs of survey, and all dues to the Crown on timber, saw-logs or other lumber cut under and by virtue of any license, other than the last preceding, shall have been first paid.

13th. All timber berths or limits shall be subject to an annual ground rent of \$3 per square mile, payable in advance, before the issuing of any original license or renewal. And, in computing the ground rent, no license shall be charged at less than eight miles of area.

14th. All timber, saw-logs, wood or other lumber, cut under any license now in force, or under any license which may be hereafter granted, shall be subject to the following Crown dues, that is to say:—

TARIFF OF DUES

Chargeable on Indian timber cut under license, under Order in Council of 30th July, 1877, as amended by Order in Council of 27th October, 1882, and 18th July, 1887.

1. Oak and black walnut, square timber, per M. cubic feet.....	\$30 00
2. Oak and black walnut, saw logs, per M. feet board measure.....	4 00
3. Tamarac, elm, beech, ash, maple and hickory, square timber, per M. cubic feet.....	16 66
4. Tamarac, elm, beech, ash, maple and hickory, saw-logs, per M. feet, board measure.....	2 00
5. Red and white pine, cedar, birch, basswood, and boom timber, per M. cubic feet.....	15 00
6. Red and white pine, cedar, birch, basswood, saw-logs, per M. feet, board measure.....	1 00
7. Hemlock, spruce, or other wood, per M. cubic feet	10 00
8. Hemlock, spruce, or other wood, being saw-logs, per M. feet, board measure.....	0 80
9. Pipe staves, per 1,000 standard.....	15 00

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10.	West India staves, per 1,000 standard.....	5 00
11.	Railway ties—tamarac, cedar or pine, per 100	2 00
12.	Telegraph poles per 100.....	8 00
13.	Cedar pickets per 100 (over 8 inches in diameter)	2 00
13½	Cedar pickets per 100 (8 inches and under).....	1 00
14.	Tamarac knees, lineal measure, per M. feet.....	12 00
15.	Shingle bolts, per cord.....	0 60
16.	do do in advantageous localities	0 75
17.	Cordwood, hard, per cord.....	0 30
18.	do do in advantageous localities..	0 40
19.	Cordwood, soft, per cord.....	0 20
20.	do do in advantageous localities	0 25
21.	Hop-poles, per 100.....	0 50
22.	Hoop-poles, hickory or ash, per 100.....	0 25
23.	do soft maple, per 100.....	0 12½
24.	Burnt cedar and tops of cedar trees which cannot be used for railway ties, per cord	0 40

Dues on maple and swamp elm, cut under license on the Saugeen Peninsula, have been reduced to \$1 per M. feet board measure, and \$15 per M. feet cubic measure.

15th. The duties on timber shall be charged upon the quantities shown by the specification of measurement furnished under oath by the licensee or his foreman to the Indian agent for the locality, or to the Superintendent General of Indian Affairs, or by other reliable measurement; but where such actual measurement cannot be obtained, each stick of white pine timber shall be estimated as containing 70 cubic feet, red pine as containing 38 cubic feet, oak 50 feet, and elm 45 feet, and all other wood as containing 24 cubic feet.

16th. All licensees or occupants of timber berths shall furnish through themselves, their agents, cullers and foremen, to such agent or agents as the Superintendent General of Indian Affairs may appoint for that purpose, and at such time and place as such agent or agents may require, satisfactory proof upon oath as to the exact locality where all the timber, saw-logs and other lumber in his or their possession were cut, giving the number of pieces and description of timber, saw-logs and other lumber including culls, cut by themselves and others to their knowledge upon each of the timber berths held or occupied by him or them respectively, designating what quantity, if any, had been cut on settlers' lands, giving the names of such settlers, the name of the township, and the number of each lot and concession, exhibiting at the same time for the inspection of such agent or agents, the books of count and measurement of such timber, saw-logs and other lumber under his or their control respectively; and shall moreover furnish such agent or agents all required information and facilities to enable him or them to arrive at a satisfactory determination

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as to the quantity and description of timber, saw-logs and other lumber made by him or them, or held in his or their possession respectively, on which Government dues are chargeable; and in the event of such agent or agents deeming it expedient to cause such timber, saw-logs and other lumber to be counted or measured, the said licensee or occupier of such timber berth, and his or their agents, cullers and foremen, shall aid and assist in such count or measurement, but should such licensee or occupier or his or their agents, fail to comply with these conditions, such licensee shall forfeit all right to a renewal of his license, and the berth and limit shall become vacant. And to enable persons who sell their timber under settler's license to obtain their refund of dues, and timber cut on patented lands to pass duty free, it will be necessary for the parties interested to prove, on oath taken before such agent or agents, and to his or their satisfaction, the number of pieces and description of timber and saw-logs cut on each lot respectively. And in the event of such proof being deemed unsatisfactory, the said agent or agents may determine the same by causing a strict count of the stumps to be made, and then certifying according to such count.

17th. The Superintendent General of Indian Affairs, or any authorized agent, shall, at all times, have free access to and be permitted to examine the books and memoranda kept by any licensee, showing the quantity of lumber in board measure sawn by him from logs cut on his timber berth or berths, and failing to produce such books and memoranda when required so to do, will subject such licensee to a forfeiture of his right to a renewal of his license.

18th. When any license-holder is in default for, or has evaded the payment of dues to the Crown on any part of his timber or saw-logs, such dues may be levied on any other timber or saw-logs belonging to such defaulter, cut under license, together with the dues thereon.

19th. Before moving any raft or parcel of timber, lumber or saw-logs from the Indian agency in which it has been cut, the owner or person in charge thereof, shall report the same to the Indian agent for the locality, making, if required, declaration upon oath, as to where the said timber was cut, the number of pieces and description of each kind of wood contained in such raft or parcel of timber, and the number of cribs, stating at the same time the number and description of pieces cut on private lands, also on lands under settler's license, giving the names of the owners or licensees of such land, with the name of the townships and number of each lot and concession; and should such Indian agent not be satisfied with the correctness of such report, he shall cause a strict count to be made of the timber in such raft; and on being satisfied of the correctness of such report or count, the Indian agent may grant a clearance in due form, for such raft, stating the number of pieces and description of timber contained therein, distinguishing the timber cut on private lands under settler's license, from that cut on Indian lands or reserve.

20th. The owner or holder of any such raft or parcel of timber shall, within twenty-four hours after the same shall have arrived at its destination at Quebec, Sorel, Montreal, or other port of sale or shipment, report

Indian Affairs.

the arrival of such raft to the collector of crown timber dues, or if at Sorel or Montreal, to the deputy supervisors of cullers; and should the said raft be found by the specification of measurement to contain a greater number of pieces of timber than is noted in the clearance, the surplus number of pieces, if not satisfactorily explained, shall be held as having been cut on Indian lands without authority, and subject to payment of dues accordingly.

21st. Parties omitting to obtain their clearance at such agency, or omitting to report the arrival of such raft at its destination as above mentioned, may be refused further license, and may be subject to forfeiture of the timber for evasion of regulations, as provided in Chapter 43 of the Revised Statutes of Canada.

22nd. Persons evading or refusing the payment of timber dues, or the final settlement of bonds or promissory notes for payment of such dues, or in default with the Indian department or agent; also, persons taking forcible possession of disputed ground before obtaining decision in their favor, and persons refusing to comply with the decision of arbitrators or of the umpire, as provided by the 8th section of these regulations, or with the regulations established by Order in Council, or who forcibly interrupt surveyors in the discharge of their duty, shall be refused further licenses, and their berths shall be forfeited at the expiration of the then existing license.

23rd. Dues of all kinds on timber cut under license, remaining unpaid on the 30th November following the season in which it was cut, shall be subject to interest from that date, but without prejudice to the power of the Crown to enforce payment of such outstanding dues at any time the Superintendent General of Indian Affairs may think proper.

24th. Purchasers of Indian lands, who have not completed all conditions of sales, and have not obtained their patents for such lands, cutting timber without license (except for clearing, building, or fencing thereon), or others doing so by their permission, shall be subject to the penalties established by law for cutting timber without authority.

25th. Before the issue of any timber license, the licensee or licensees thereof shall furnish security by a bond of himself or themselves, and two responsible sureties, for such amounts as the Superintendent General of Indian Affairs may consider sufficient to ensure the proper working of the limit, the due fulfilment by him or them of the conditions of the license, and the due observance of all the regulations of the department in respect to the timber to be cut. The giving of such security shall not, however, in any way prejudice the right of the Superintendent General of Indian Affairs, or his agent, to levy upon any timber cut or owned by the holder or holders of the license, or to cancel the said license should there appear to him to be sufficient cause for so doing.

26th. Licenses are to be granted in the following form, in triplicate, and the description of each berth is to be written on the back thereof, and is to be dated and signed by the Deputy Superintendent General of Indian Affairs, as well as the license itself—the duplicate to be kept of record by the local Indian agent.

Indian Affairs.

27th.

FORM OF LICENSE.

License to cut Timber on Indian Lands.

(Royal Arms.)

By authority of the 43rd Chapter of the Revised Statutes of Canada and amendments thereto, and for and in consideration of the payments made, and to be made to the credit of Indian funds, I do hereby give unto
and unto agents and

workmen, full power and license to cut upon the location described upon the back hereof, and to hold and occupy the said location to the exclusion of all others, except as hereinafter mentioned:—from 18 , to thirtieth day of April 18 , and no longer; with the right of conveying away the said timber, through any ungranted or waste Indian lands.

And by virtue of this license the said licentiate has right by the said statute, to all timber cut by others in trespass on the ground hereby assigned, with full power to seize and recover the same anywhere within the Dominion of Canada

But this license is subject to the following conditions, viz.:—

That the dues to which the timber cut under its authority are liable, shall be paid as follows, namely:

That all lots sold prior, and all lots sold subsequently, to the date hereof and which have been settled upon and are being cleared for cultivation, shall be exempt from the operation of this license, excepting in so far as pine and spruce merchantable timber are concerned, which this license will continue to control until all conditions of sale have been fulfilled.

That any person or persons may under authority of the Superintendent General of Indian Affairs, at all times, make and use roads upon and travel over the ground hereby licensed.

That nothing herein shall prevent any person or persons having authority from the Superintendent General of Indian Affairs to do so, from taking standing timber of any kind to be used for the making of roads and bridges, or for public works.

And that persons settling under lawful authority or title within the location hereby licensed, shall not in any way be interrupted in clearing and cultivating by the said licentiate, or anyone acting for
or by permission.

And further, upon condition that the said licentiate or representatives shall comply with all regulations that are or may be established by Order in Council, and shall submit all the timber cut under this license to be counted or measured, and shall settle for the duties chargeable thereon when required by me or any officer thereunto authorized,—otherwise the said timber will be forfeited to the Crown, and the said licentiate be subject to such other penalty or penalties as provided by law.

Given under my hand at , this
day of , in the year of our Lord, one thousand
eight hundred and

Deputy of the Superintendent General of Indian Affairs.

Indian Affairs.

Amount payable on giving this license.	{	Bonus.....	\$
		Ground rent.....	\$
		License fee.....	\$

The above named licentiate shall be bound before or when paying the ground rent and renewal fee - if the license is renewed—to declare on oath whether still the *bond fide* proprietor of the limit hereby licensed, or whether sold or transferred it, or any part of it, or for whom hold it.

§ We have read and comprehend the nature of the obligations contained in this license, and we bind ourselves jointly and severally, and each of our heirs, executors, curators and administrators, to pay all duties that may become due and payable to Her Majesty, her heirs or successors, on any timber cut or acquired by virtue of this license, in the event of the above named licentiate failing or refusing to pay the same, or to give satisfactory bonds for payment thereof.

.....

Kinds and descriptions of timber to be cut, and the rate of dues to be paid under authority of this license :

* * * * *

The timber limits comprehended by the within license consist of the following limits :

* * * * *

28th. All persons cutting timber on Indian lands or reserve, without authority of license, will be punished as the law provides.

Persons hindering any officer or agent of the Department of Indian Affairs in the discharge of his duty in seizing timber illegally cut, or taking away, or causing to be taken away, any timber seized under the Act, Cap. 43, Revised Statutes, Canada, are guilty of felony.

Parties cutting timber on Indian lands purchased by them on pretence of settlement, but really for the purpose of cutting the timber, are trespassers as above.

Railway companies, contractors and others, cutting without the authority of the Superintendent General of Indian Affairs timber for railway purposes on Indian lands and on lands sold but not yet patented, are also trespassers and subject to the same penalties.

29th. From and after the date of the passing of the present regulations, in cases of timber which although cut in trespass was so cut through error in good faith on Indian lands, by licentiates or other parties, it shall be lawful for the Superintendent General of Indian Affairs to exact in settlement of such wood goods a penalty equivalent to double, treble or quadruple the ordinary dues as established by tariff above, according to circumstances, besides costs of seizure and other expenses connected with all investigations into such trespasses.

30th. It shall be no longer permitted to cut, on Indian lands, pine trees measuring less than nine inches in diameter at the stump.

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TRANSFERS.

31st. All limit owners are to notify the Superintendent General of Indian Affairs of any transfer which they may have effected, as soon as any transaction of the kind may have taken place; and should they fail to give due notification to the Superintendent General of Indian Affairs, he may rule the forfeiture of such license or licenses comprising the limit or limits so transferred.

32nd. Limit holders, in order to enable them to obtain advances necessary for their operations, shall have a right to pledge their limits as security without a bonus becoming payable. Such pledge, in order to effect the limit against the debtor, shall require to be noted on the back of the license by an authorized officer of the Department of Indian Affairs. But if the party giving such pledge should fail to perform his obligations towards his creditors, the latter, on establishing the fact to the satisfaction of the Superintendent General of Indian Affairs, may obtain the next renewal in his or their own name, subject to payment of the bonus, the transfer being then deemed complete.

33rd. Transfers of timber berths are to be in writing, and if not found objectionable by the Department of Indian Affairs, are to be valid from the date on which they may be deposited in the hands of the latter; but no transfer is to be accepted while the party transferring is in default for non-payment of dues on timber to the Crown.

SURVEYS.

34th. The Department of Indian Affairs shall, at the joint written request of conterminous license holders, issue instructions stating how the boundaries of such limits should be run to be in conformity with existing licenses. The surveys shall be performed at the expense of the parties requiring them, who must cause copies of the plans and field notes of the surveys to be delivered to the said department subject to approval, to be paid for and kept of record by the department.

Boundaries so established at the joint request of the parties interested shall be fixed and permanent, and shall in no case be altered.

35th. If a limit holder refuses to join his neighbor to have the boundaries defined, the party wishing to have the survey made shall be entitled to have it performed at his own expense, under instructions which shall be furnished to him for that purpose, as provided in the foregoing clause.

On the completion of the survey, notice of the same shall be given in writing to the adverse party at his residence or place of business. And if within one year after such notification, the adverse party shall have made no opposition to the same in the manner hereinafter prescribed, or if, having done so, such opposition has not been maintained, the boundary so surveyed shall be fixed permanently and irrevocably. But if within the space of one year from the date of such notice, the adverse party shows that he has sufficient reasons to doubt the exactness of such survey, and deposits in the hands of the agent of the Department of Indian Affairs,

Indian Affairs.

such sum of money as that department may deem sufficient to cover all the expenses of a new survey, the Superintendent General of Indian Affairs shall name a surveyor to establish finally the boundary in dispute, and this second survey shall be binding upon the interested parties. All the expenses shall be borne by the applicant if his objections be not maintained. If, on the contrary, they be confirmed and the first survey be declared erroneous, the expenses shall be borne share and share alike by both parties.

36th. All limit lines or boundaries already established in virtue of official instructions, are hereby declared valid and permanent, if a report or field notes, or at least a plan describing such boundaries, have been filed of record in the Department of Indian Affairs, and if, within the space of one year from the date such documents or plan were filed, their correctness be not disputed. If, on the contrary, within this delay one of the interested parties objects to them, a final survey shall be made as prescribed in the thirty-fifth clause of these presents, unless, however, the interested parties agree to have a final survey effected in virtue of the thirty-fourth clause.

Vide Canada Gazette, Vol. XXI., p. 1865.

By Order in Council bearing date Wednesday, the 2nd day of May, 1884, under the provisions of the 41st section of Chapter 43 of the Revised Statutes of Canada, intituled: "An Act respecting Indians," the following changes in the regulations for the disposal of Indian land containing minerals other than coal, established by the Order in Council of the 1st October, 1887, were approved and adopted, in so far as the mineral lands in the District of Algoma are concerned:—

1. That section 3 be amended by fixing the area of a mining location at 160 acres instead of 40 acres as therein stated.

2. That section 7 be amended by providing that in cases where the survey is not made by the purchaser the deposit for a survey of a location be \$100 instead of \$50 as therein stated.

3. That sections 81 and 82 reserving a royalty to the Crown of four per cent. on the sales of the products of mines and requiring returns by the grantee of all products of his mining location be annulled.

4. That form "D" of said regulations be amended by striking out the provision therein respecting the payment of royalty.

5. That the price of land shall be three dollars per acre.

6. That the fifth clause of the said regulations be rescinded, but that the right to purchase a location shall be limited to twelve months from the date of obtaining the agent's receipt, as provided in sub-section c. of section four.

Vide Canada Gazette, Vol. XXI., p. 2394.

By an Order in Council bearing date Tuesday, 8th day of May, 1888, under and in pursuance of the provisions of "The Indian Act," being chapter 43 of the Revised Statutes of Canada, it was ordered that not-

Indian Affairs, &c.

withstanding anything to the contrary in the Timber and Land Regulations of the Department, the Superintendent General of Indian Affairs be and he is hereby authorized to sell to any *bonâ fide* actual settler on a wood lot or lots being the purchaser of the same, the pine and spruce timber thereon, on such terms as may be arranged upon between the purchaser of the said lot or lots and the Superintendent General of Indian Affairs, always provided that the timber has not been previously disposed of by the Department of Indian Affairs.

Vide Canada Gazette, Vol. XXI, p. 2395.

Inland Revenue.

By an Order in Council bearing date Friday, 1st July, 1887, under the provisions of the 148th section of the Inland Revenue Act, Chapter 34 of the Revised Statutes of Canada, the following regulations respecting the removal of non-potable spirits from distilleries for chemical or mechanical purposes, were approved:—

1st. The Minister of Inland Revenue may prescribe, from time to time, tests for determining a standard of purity below which spirits shall be deemed to be "non-potable."

2nd. No "non-potable" spirits shall be removed from any distillery except to the following parties, viz.:—

a. To persons who have obtained a license to manufacture in bond;

b. To persons who have obtained from the Minister of Inland Revenue a permit to have such "non-potable" spirits in possession for chemical or mechanical purposes.

3rd. Before granting such a permit the Minister shall require the party obtaining the same to enter into bonds in the sum of \$1,000, and which bond shall be conditioned that he will not permit any portion of such spirit to go into consumption as "potable spirits."

4th. All packages containing such spirits shall have the word "non-potable" printed on both ends of the package in letters not less than two inches in height and three-fourths of an inch in width and in a color different from that used for the other marks on the package.

5th. No spirits other than such as are "non-potable" shall be removed from any distillery to a licensed bonded manufactory unless the formula accompanying the application of such bonded manufacturer expressly provides for the same, or when not so called for in the formula upon the written authority from the Minister which must be obtained in each specific case.

Vide Canada Gazette, Vol. XXI, p. 53.

Inland Revenue.

By an Order in Council bearing date Monday, 18th day of July, 1887, under the provisions of the 157th section of "The Inland Revenue Act," Chapter 34 of the Revised Statutes of Canada, authority was granted to the Minister of Inland Revenue to issue special permits for the removal of duty-paid spirits in packages of five and ten gallons into British Columbia, provided the regulations assented to by the Lieutenant Governor of the North-West Territories as to transmission through the North-West Territories (by which their identification on arrival beyond the limits of said Territories is required) are fully complied with.

Vide Canada Gazette, Vol. XXI, p. 148.

By an Order in Council bearing date Wednesday, 27th day of July, 1887, under the provisions of the 307th section of Chapter 34 of the Revised Statutes of Canada, the town of Tilsonburg, in the Province of Ontario, was added to those places mentioned in the said section of the Act above quoted, at which raw leaf tobacco may be imported into Canada.

Vide Canada Gazette, Vol. XXI, p. 302.

By an Order in Council bearing date Saturday, 13th day of August, 1887, under the provisions of section 17 of Chapter 29 of the Revised Statutes of Canada, intituled "An Act respecting the Public Revenue, the raising of loans authorized by Parliament and the auditing of Public Accounts," the Inland Revenue Division of Cobourg was abolished and for the purposes of the collection of Excise duties the counties of Peterborough, Victoria, Durham and Northumberland, were constituted an Inland Revenue Division to be designated and known as the division of Peterborough.

Vide Canada Gazette, Vol. XXI, p. 464.

By an Order in Council bearing date Saturday, 3rd day of September, 1887, under the provisions of section 17, Chapter 29, of the Revised Statutes of Canada, the several Inland Revenue districts and divisions in the Dominion of Canada, enumerated in the list hereto appended, and the territory comprising them, were constituted and established.

OFFICIAL List of Inland Revenue Districts and Divisions in the Dominion of Canada and the territorial extent of each :—

PROVINCE OF ONTARIO.

G.—WINDSOR : Office at Windsor.

Brantford.....	Brantford	The Counties of Brant, Norfolk and Oxford.
London.....	London	Middlesex, Elgin and Lambton.
Stratford.....	Stratford	Bruce, Huron and Perth.
Windsor.....	Windsor	Essex and Kent.

F.—TORONTO : Office at Toronto.

Guelph.....	Guelph	Wellington and Waterloo.
Hamilton.....	Hamilton	Hamilton (city), and Wentworth.
Owen Sound.....	Owen Sound	Grey.
Peterborough.....	Peterborough.....	Durham, Haliburton, Northumberland, Peterborough and Victoria
St. Catharines.....	St. Catharines.....	St. Catharines (city), Haldimand, Lincoln and Welland.
Toronto.....	Toronto	Toronto (city), Dufferin, Halton, Ontario, Peel, Simcoe, York, with the Districts of Muskoka, Parry Sound and Algoma as far west as Pic River.

ORDERS IN COUNCIL, &c.

*Inland Revenue.*PROVINCE OF ONTARIO—*Concluded.*

E.—KINGSTON : Office at Brockville.

Belleville.....	Belleville.....	Hastings and Prince Edward.
Cornwall.....	Cornwall.....	Glengarry, Prescott (county), and Stormont.
Kingston.....	Kingston.....	Frontenac, Kingston (city), Lennox and Addington
Ottawa & Pontiac.....	Ottawa.....	{ Ottawa (city), Carlton and Russell, in Province of Ontario.
		{ Ottawa (county), and Pontiac, in the Province of Quebec.
Perth.....	Perth.....	Lanark and Renfrew, and District of Nipissing.
Prescott.....	Prescott.....	Dundas, Leeds, Grenville.

PROVINCE OF QUEBEC.

D.—MONTREAL : Office at Montreal.

Montreal.....	Montreal.....	Montreal (city). Hochelaga, Jacques-Cartier, Laval, Vaudreuil, Soulanges, Laprairie, Chambly.
Beauharnois.....	Ormstown.....	Beauharnois, Chateauguay, Huntingdon.
Joliette.....	Joliette.....	Berthier, Joliette, Montcalm and L'Assomption.
Pontiac.....		<i>Included in the Division of Ottawa.</i>
Sherbrooke.....	Sherbrooke.....	Richmond, with town of Sherbrooke, Wolfe, Compton and Stanstead.
Sorel.....	Sorel.....	Richelieu, Verchères, Yamaska.
St. Hyacinthe.....	St. Hyacinthe.....	St. Hyacinthe (county and town), Rouville and Bagot.
Iberville.....	Iberville.....	Brome, Iberville, Missisquoi, Napierville, Shefford and St. John's.
Terrebonne.....	Ste. Thérèse.....	Argenteuil, Two Mountains and Terrebonne.
Three Rivers.....	Three Rivers.....	City of Three Rivers, Champlain, Maskinongé, Nicolet and St. Maurice, Drummond and Arthabaska.

C.—QUEBEC : Office at Quebec.

Quebec.....	Quebec.....	Quebec (city and county). Montmorency, Portneuf, Lotbinière, Bellechasse, Beauce, Mégantic, and all to the East thereof, including the Magdalen Islands.
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PROVINCE OF NEW BRUNSWICK.

B.—NEW BRUNSWICK : Office at St. John

Chatham.....	Chatham.....	Restigouche, Gloucester, Northumberland, Kent.
St. John.....	St. John.....	Albert, Carleton, Charlotte, King's, Madawaska, Queen's, St. John (city and county), Sunbury, Victoria, Westmoreland, York.

PROVINCES OF NOVA SCOTIA AND PRINCE EDWARD ISLAND

A —NOVA SCOTIA AND P. E. ISLAND : Office at Halifax.

Cape Breton.....	Sydney.....	Cape Breton, Inverness, Richmond, Victoria.
Halifax.....	Halifax.....	Annapolis, Colchester, Cumberland, Digby, Hants, Halifax (city and county), King's, Lunenburg, Queen's, Shelburne, Yarmouth.
Pictou.....	Pictou.....	Antigonish, Guysborough, Pictou.
Charlottetown.....	Charlottetown.....	The Province of Prince Edward Island

PROVINCE OF MANITOBA.

H.—MANITOBA : Office at Winnipeg.

Port Arthur.....	Port Arthur.....	That part of Ontario West of Pic River.
Winnipeg.....	Winnipeg.....	The Province of Manitoba and the N. W. Territories.

PROVINCE OF BRITISH COLUMBIA.

I.—BRITISH COLUMBIA : Office at Victoria.

Victoria.....	Victoria.....	The Province of British Columbia.
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Vide Canada Gazette, Vol. XXI, p. 567.

Inland Revenue, &c.

By an Order in Council bearing date Monday, 31st day of October, 1887, under the provisions of section 2, Chapter 99, of the Revised Statutes of Canada, the Counties of Richmond, Shefford, Brome, and Stanstead including the town of Sherbrooke, were constituted an inspection division for the purposes of the inspection of leather and raw hides.

Vide Canada Gazette, Vol. XXI, p. 1018.

By an Order in Council bearing date Monday, 27th day of February, 1888, under and in pursuance of the 29th section of Chapter 107 of the Revised Statutes of Canada, known and cited as "The Adulteration Act," the following regulations were made for carrying out the provisions of the said Act, viz.:—

1. Such employés of the Inland Revenue mentioned in section 5 of the above mentioned Act, as the Minister of Inland Revenue may select, shall be styled food inspectors, and for such extra services may be paid an additional remuneration, the gross salary not to exceed the sum of twelve hundred dollars (\$1,200) in any one year, as the Minister of Inland Revenue may decide, such extra remuneration to be paid out of the sum voted by Parliament for that purpose.

2. Any manufacturer, importer, retailer or purchaser who desires to procure an analysis of any drug, food sample, &c., may obtain such from the Minister of Inland Revenue on payment of a fee of five dollars (\$5.00) for each sample so analysed, such fees to be credited to the adulteration of food grant.

3. The Minister of Inland Revenue may, from time to time, make such alterations in the forms of certificates and other forms used under the Adulteration of Food Act, in conformity with its provisions as are thought necessary for its better administration.

Vide Canada Gazette, Vol. XXI, p. 1927.

Interior.

By an Order in Council bearing date Monday, 18th day of July, 1887, under the provisions of the 90th section of "The Dominion Lands Act," Chapter 54 of the Revised Statutes of Canada, the land situated in the Rocky Mountains Park of Canada, and containing about 404 acres, was reserved for the use of the North-West Mounted Police Force. (*But see below*).

Vide Canada Gazette, Vol. XXI, p. 141.

By an Order in Council bearing date Saturday, 17th September, 1887, under the provisions of the 4th sub-section of the 1st section of Chapter 56

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of the Revised Statutes of Canada, intituled: "An Act respecting certain Public Lands in British Columbia," the following regulations for the survey, administration and disposal of Dominion lands within the forty-mile railway belt, in the Province of British Columbia, replacing the Regulations for the same purpose adopted by Order in Council dated 20th April, 1885, and amended by Orders in Council dated 16th July, 1885 and 12th April, 1886, respectively, which expired on the 1st July last, were approved and adopted:—

[*MEMORANDUM of proposed changes in the Regulations affecting Public Lands in the Railway Belt in the Province of British Columbia.*]

The recital of various clauses of the Dominion Lands Act, which are applicable to lands in the railway belt in British Columbia, has been regarded as unnecessary and as cumbering the regulations, and it is therefore simply provided that the clauses in question shall be so applicable.

Sub-clause 4 of clause 9 is new. It reserves, until the roads provided for by the regulations have been defined and constructed, a right of way to or from any settler's holding to or from any public road or trail, over any granted or leased lands.

There is a slight change in clause 13, the effect of which is to prevent any owner of more than 160 acres of land in the railway belt from obtaining a homestead entry in the belt. The area of agricultural land within the belt is comparatively limited; those who are already settlers and land owners there, are, as a rule, extensive land holders, having had ample opportunity of obtaining, under the provincial laws, all the land they require for cultivation at a low price.

Sub-clauses 4, 5, 6 and 7 of clause 13 are new, and are intended to facilitate the settlement of timbered lands, which would not otherwise be opened for homestead entry. These provisions are copied from the timber regulations of the Province of Ontario, and the object is, while permitting such lands as contain merchantable timber to be taken up and cleared for agricultural purposes, to prevent persons who merely desire to obtain the timber, from getting possession of land under cover of a homestead entry, stripping the land of its timber without paying any dues, and then leaving the land much less valuable, for all practical purposes, than if it had remained in its natural state—in other words, neither producing revenue nor actual settlement.

Sub-clause 4 of clause 18 is, in effect, the amendment made to the Dominion Lands Act during the session of 1886, which it is proposed thus to make applicable to homesteads in the railway belt in British Columbia. Under this provision, the homesteader is enabled to hold his land for the first two years after entry, by cultivating a certain number of acres of it, but during the three years next thereafter, he must reside upon as well as cultivate it.

Clause 23 is all new, and its various provisions are designed to encourage the culture of fruit; the conditions upon which legal subdivisions of sections, not, however, to exceed 160 acres in all, may be obtained for that purpose, being fully stated.

Interior.

Four new schedules, and a re-arrangement of the former schedules, become necessary on account of the proposed amendments.]

REGULATIONS for the disposal of Dominion Lands within the Railway Belt in the Province of British Columbia.

Preliminary Interpretation.

1. These regulations shall apply exclusively to the public lands of the Dominion, within what is known as the railway belt, in the Province of British Columbia, which lands shall be styled and known as *Dominion Lands*; and the following terms and expressions therein shall be held to have the meaning hereinafter assigned them, unless such meaning be repugnant to the subject or inconsistent with the context; that is to say:—

(2.) The term *Minister of the Interior* means the Minister of the Interior of Canada:

(3.) The term *Surveyor-General* means the officer of the Department of the Interior bearing that designation, or the chief clerk performing his duties for the time being:

(4.) The term *Agent or Officer* means any person or officer employed in connection with the administration and management, sale or settlement of Dominion lands; and the term *Local Agent* means the agent for Dominion lands employed as aforesaid, with respect to the lands in question; and the term *Land Office* means the office of any such agent:

(5.) The term *Dominion Land Surveyor* means a surveyor duly authorized under the provisions of the Dominion Lands Act, to survey Dominion lands:

(6.) The term *Crown Timber Agent* means the local officer appointed to collect dues and to perform such other duties as may be assigned to such officer, in respect to the timber on Dominion lands:

(7.) The term *Clause* means a section of these regulations distinguished by a separate number; and the term *Sub-Clause* means a subdivision of any clause distinguished by a separate number or letter, in smaller type:

(8.) The term *Canada Gazette* means the official Gazette of the Government, published at Ottawa:

(9.) The term *British Columbia Gazette* means the official Gazette of the Government of British Columbia, published at Victoria.

Department of the Interior.

2. The Department of the Minister of the Interior shall be charged with the administration and management of the Dominion lands:

(2.) Under the authority of the Act 49 Victoria, Chapter 56, Consolidated Statutes of Canada, 1886, the powers and authorities of the Dominion Lands Board and of the officers thereof are hereby extended to the public lands of Canada in British Columbia:

(3.) The provisions of clause 7 with the sub-clause thereof, and clauses 52, 53, 54, 55, 56, 57, 58, 78, 93 and 94 of the Act 49 Victoria, Chapter 54, Consolidated Statutes of Canada, 1886, shall apply to the public lands of Canada in British Columbia.

*Interior.**Surveys.*

3. The Dominion lands in British Columbia shall be laid off, so far as practicable, in quadrilateral townships, each containing thirty-six sections of as nearly one mile square as the convergence of meridians permits, together with an allowance of twelve acres in each section for road purposes:

(2.) The sections shall be bounded and numbered as shown by the following diagram :—

N					
31	32	33	34	35	36
30	29	28	27	26	25
19	20	21	22	23	24
18	17	16	15	14	13
7	8	9	10	11	12
6	5	4	3	2	1
S					

4. The lines bounding sections on the east and west sides shall be meridians; and those on the north and south sides shall be chords to parallels of latitude.

5. Each section shall be divided into quarter-sections of one hundred and sixty acres, more or less, together with an allowance for roads of three acres in each, subject to the provisions hereinafter made.

6. In the survey of a township, the deficiency or surplus resulting from convergence of meridians shall be divided equally between all the quarter-sections involved, and the north and south error in closing on the correction lines from the north or south shall be allowed in the ranges of quarter-sections adjoining, and north or south respectively of the said correction lines.

7. The dimensions and areas of irregular quarter-sections shall in all cases be returned by the surveyor at their actual measurements and contents.

8. To facilitate the description for letters patent of less than a quarter-section, every section shall be supposed to be divided into quarter-quarter-sections, of forty and three-quarters acres, and such quarter-quarter-sections shall be numbered as shown in the following diagram, which is intended to show such sub-divisions of a section, which shall be styled legal sub-divisions :—

N.			
13	14	15	16
12	11	10	9
5	6	7	8
4	3	2	1
S.			

Interior.

(2) The area of any legal sub-division, as above set forth, shall, in letters patent, be held to be more or less, and shall in each case be represented by the exact quantity as given to such sub-division in the original survey.

9 The Governor in Council may order the survey by a Dominion Land Surveyor of such public highways as he may deem expedient, through any lands subject to these regulations :

(2.) On the approval of the survey of a public highway, the fact shall be notified to the Lieutenant Governor of British Columbia by the Minister of the Interior, and, by virtue of such notification, such public highway shall become the property of the said Province, the legal title thereto remaining in the Crown for the public use of the Province; but no such road shall be closed up or its direction varied, or any part of the land occupied by it sold or otherwise alienated, without the consent of the Governor General in Council :

(3.) The Governor in Council may authorize any person to locate and build public highways or to build public highways located in accordance with clause *nine* of these regulations :

(4.) In the meantime, and until any such road shall have been located and constructed, a convenient right of way not exceeding 66 feet in width over any such land is hereby reserved for the use and convenience of settlers and land holders in passing, from time to time, to and from their locations or lands to and from any now existing public road or trail: Provided always that such settler or land owner, making use of the aforesaid privilege shall not damage the fences or crops of the occupier of any such located, sold or leased land :

(5.) Every patent issued for lands subject to these regulations shall contain a provision reserving to the Governor in Council the power to order the survey through such lands by a Dominion Land Surveyor of such public highways as he may deem expedient, and for that purpose to take any existing road, and any requisite area of land, whether the area of the roads and lands so taken be or be not in excess of the allowance for roads in any section, quarter-section or legal sub-division; also to enter upon such lands and take therefrom any gravel, stone, timber, or other material required for the construction of such highway or any bridge connected therewith; and also to enter upon any such land for the purpose of cutting any drains necessary for the building of such highway.

Ordinary Sale of Lands.

10. Dominion lands, as the surveys thereof are duly made and confirmed, shall, except as otherwise hereinafter provided, be open for homesteading and purchase at such prices and on such terms and conditions as may be fixed from time to time by the Governor in Council: Provided, that no purchase shall be permitted at a less price than two dollars and fifty cents per acre: Provided also, that, except in special cases where otherwise ordered by the Governor in Council, no sale to one person shall exceed a section, or six hundred and forty acres :

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(2.) And provided also, that, whenever so ordered by the Minister, such unoccupied lands as may be deemed by him expedient, from time to time, may be withdrawn from ordinary sale and settlement, and sold at public auction or tender to the highest bidder—an upset price being fixed for the same :

(3.) Provided further, that any legal sub-division or other portion of Dominion lands which may be deemed by the Minister of the Interior of special value, may be reserved from ordinary sale and be disposed of in such manner and on such terms and conditions as may be fixed by the Governor in Council on the report of the Minister of the Interior.

Town Plots, &c.

11. The Minister of the Interior shall have power to withdraw from sale or homestead entry any tract or tracts of land, and to lay the same out into town or village lots, the lots so laid out to be sold, either by private sale and for such price as he may see fit, or at a public auction or tender, an upset price being fixed for the same :

(2.) The Governor in Council may set apart and appropriate such Dominion lands as he may deem expedient for the sites of market places, gaols, court houses, places of public worship, burying grounds, schools, benevolent institutions, squares, and for other like public purposes, and at any time before the issue of letters patent therefor may alter or revoke, such appropriation, as he deems expedient ; and he may make free grants for the purpose aforesaid of the lands so appropriated—the trusts and uses to which they are to be subject being expressed in the letters patent.

12. The provisions of clauses numbered thirteen to twenty-three of these regulations, both inclusive, shall not apply to lands settled upon after the first day of July, one thousand eight hundred and eighty-eight.

Homestead Rights.

13. Any person, male or female, who is the sole head of a family, or any male who has attained the age of eighteen years, who has not heretofore had a homestead on Dominion lands in British Columbia, Manitoba or the North-West Territories, or does not hold or own by pre-emption record or otherwise, under the laws of the Province of British Columbia, more than one hundred and sixty acres of land within the railway belt in the said Province, shall, on making application in the form A in the schedule to these regulations, be entitled to obtain homestead entry for any quantity of land not exceeding one quarter-section, and being of the class of land open under the provisions of these regulations to homestead entry :

(2.) The entry for a homestead shall entitle the recipient to take, occupy and cultivate the land entered for, and hold possession of the same to the exclusion of any other person or persons whomsoever, and to bring and maintain actions for trespass committed on the said land, the same as if a patent therefor had issued in his favor ; the title to the land shall remain in the Crown until the issue of the patent therefor, and the said

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land shall not be liable to be taken in execution before the issue of patent :

(3.) The privilege of homestead entry shall only apply to surveyed agricultural lands; no person shall be entitled to such entry for land valuable for its timber, or for hay land, or for land on which there is a stone or marble quarry, or coal or other mineral having commercial value, or whereon there is any water power which may serve to drive machinery, or for land which by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station, it will be in the public interest to withhold from such entry.

Homestead Entries and Sales Affecting Timbered Lands.

(4.) All merchantable timber growing or being upon any land entered or sold within the limits of Dominion lands in British Columbia, and all gold, silver, copper, lead, iron, petroleum, coal or other mines or minerals shall be considered as reserved from the said land, and shall be the property of Her Majesty, except that the homesteader or purchaser, or those claiming under him, may cut and use such merchantable timber as may be necessary for the purpose of building, fencing or road-making, on the land so entered or sold, and may also, under the authority of the Crown timber agent, cut and dispose of all timber required to be removed in the actual clearing of the said land for cultivation; but no merchantable timber (except for the necessary building, fencing or road-making as aforesaid) shall be cut beyond the limit of such actual clearing; and all merchantable timber cut in the process of clearing, and disposed of, shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber :

(5.) The patents for all lands, hereafter entered or sold as aforesaid, shall contain a reservation of all merchantable timber grown or being on the said lands,—which merchantable timber shall continue to be the property of Her Majesty; and any person or persons now or hereafter holding a license to cut timber on such land, may, at all times during the continuance of such license, enter upon the uncleared portion of such lands, cut and remove such timber, and make all necessary roads or water-ways for that purpose, and for the purpose of hauling in supplies, doing no unnecessary damage thereby; but the patentees or those claiming under them may cut and use such timber as may be necessary for the purpose of building, fencing or road-making on the lands so patented, and may also, under the authority of the Crown timber agent, cut and dispose of such timber required to be removed in actually clearing the said land for cultivation, but no merchantable timber (except for the necessary building, fencing or road-making as aforesaid) shall be cut beyond the limit of such actual clearing; and all merchantable timber so cut and disposed of shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber :

(6.) Holders of timber licenses, their servants and agents, shall have the right to haul their timber over the uncleared portion of any land

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entered as a homestead or purchased as hereinbefore provided, and to make such roads or water-ways thereon as may be necessary for that purpose, doing no unnecessary damage, and to use all slides, portages, roads, water-ways, or other work previously constructed or existing on any land so entered, sold or leased, and the right of access to, and free use of all streams and lakes theretofore used, or that may be necessary for the passage of timber; and all land necessary for such work is hereby reserved.

(7.) All merchantable timber growing or being upon any land hereafter entered as a homestead or sold under these regulations, shall be subject to any timber license in force at the time of such entry or sale, and may, at any time during the currency of any license or licenses to be issued during such period, be cut and removed under the authority thereof.

14. Whenever the survey of any township has been finally confirmed and such township opened for homestead entry, any person who has *bonâ fide* settled and made improvements before such confirmed survey on land in such township, shall have a prior right to obtain homestead entry for the land so settled on, provided such right be exercised within three months after the land is opened for settlement; and provided that such land has not been reserved or the right to homestead entry is not excepted under the provisions of these regulations; no homestead entry shall be granted to any other person in respect of such land until three months after notice in writing shall have been given by the local agent to such *bonâ fide* settler that such land is open for settlement.

15. Every person applying for homestead entry shall appear and make affidavit before the local agent or, in his absence, the senior clerk performing his duties, according to the Forms B, C or D, in the schedule to these regulations, as the circumstances require; and upon filing such affidavit with the said local agent or senior clerk, and on payment to him of an office fee of ten dollars, such person shall receive a receipt from the said local agent or senior clerk according to the Form J in the schedule to these regulations; and such receipt shall be a certificate of entry, and shall be authority to the person obtaining it to take possession of the land described in it:

(2.) The Minister of the Interior or the Dominion Lands Board, upon requisition, may authorize any person named therein to make a homestead entry on behalf of any person signing such requisition and desiring to obtain such entry:

(3.) The person so authorized shall, in order to obtain such entry, make application in the Form E in the schedule to these regulations, on behalf of each of those whom he represents, and shall make an affidavit before the local agent or, in his absence, the senior clerk performing his duties, according to form F, G, or H, in the schedule to these regulations, as the circumstances of the case require, and shall pay for each homestead entry the office fee of ten dollars, hereinbefore prescribed for such entry, and shall receive for each fee so paid a receipt in the Form J in the schedule hereto:

(4.) Persons occupying land owned by them may obtain homestead entry for any contiguous land open to the same; but the whole extent of

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land, including that previously owned and occupied, must not exceed one quarter-section :

(5.) A person applying for such entry for contiguous land must, when making the affidavit prescribed for homestead entry, also describe therein the tract he owns and lives upon ; and his residence upon and cultivation of the whole shall thereafter be of the kind and for the term required by the provisions of these regulations, in the case of ordinary homestead entry, before he shall be entitled to patent for the part so entered for : Provided, that such residence and cultivation may be upon the land originally occupied by him or that for which homestead entry has been obtained, or both.

16. In case a dispute arises between persons claiming the right to homestead entry for the same land, the local agent, or senior clerk, or any person thereto authorized by the Minister of the Interior, shall make investigation and obtain evidence respecting the facts, and his report thereon, together with the evidence taken, shall be referred to the Minister of the Interior for decision, or to the Dominion Lands Board, Commissioner of Dominion Lands, or such person as may be appointed by the Governor in Council to consider and decide in cases of such disputes :

(2.) Provided that when two or more persons have settled upon and seek to obtain homestead entry for the same land, the one who settled first thereon and has continued to reside upon and cultivate the land for which homestead entry is sought shall be entitled to such entry if the land be of the class open to homestead entry, and if it be not in the opinion of the Minister of the Interior otherwise inexpedient, in the public interest, to entertain any application therefor :

(3.) Provided further, that where contending parties have valuable improvements on the lands in dispute, the Minister of the Interior, if the application to acquire the land by homestead entry is entertained by him, may order a division thereof in such a manner as shall preserve to each of them, as far as practicable, his improvements ; and the Minister may, at his discretion, direct that what the land so allotted to each of them may be deficient of a quarter section shall be made up from unoccupied land adjoining, if there be any of the class open to homestead entry.

17. Any person who has obtained a homestead entry shall be allowed a period of six months from its date within which to perfect the entry, by taking in his own person possession of the land and beginning continuous residence thereon and cultivation thereof ; and if the entry be not perfected within that period it shall be void, and the land shall be open to entry by another person, or to other disposition under these regulations by the Minister of the Interior :

(2.) Provided further, that in the case of immigrants from elsewhere than the North American Continent, the Governor in Council may extend the time for the perfecting of entry to twelve months from the date thereof.

18. At the expiration of three years from the date of his perfecting his homestead entry, the settler, or in case of his death, his legal representatives, upon proving to the satisfaction of the local agent that he, or they, or some of them, have resided upon and cultivated the land during the said term of three years, shall be entitled to a patent of the land, provided

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such proof is accepted by the Commissioner of Dominion Lands, or in his absence by a member of the Land Board, and on payment of one dollar per acre for the land : Provided also, that the patent therefor shall not issue to any person not then a subject of Her Majesty by birth or naturalization :

(2.) Provided, that in case of a settler who may have obtained homestead entry for land occupied by him previous to survey thereof, in manner hereinbefore mentioned, residence upon and cultivation of the land for three years next preceding the application for patent shall, for the purpose of the issue of patent, be held to be equivalent to that prescribed in the foregoing clause, if such residence and cultivation be otherwise in conformity with the provisions of these regulations :

(3.) Any person proving that he has resided on the land for which he has homestead entry for twelve months from the date of his perfecting his entry therefor, and that he has brought under cultivation at least thirty acres thereof, may, before the expiration of the three years defined in sub-clause two of this clause, obtain a patent by paying two dollars and fifty cents per acre for the land :

(4.) Any person claiming a patent under a homestead entry shall also be entitled thereto upon making payment therefor at the rate of one dollar per acre and proving to the satisfaction of the Commissioner of Dominion Lands or the Dominion Lands Board,—

(a.) That he perfected his homestead entry by commencing the cultivation of the homestead within six months from the date of his homestead entry ;

(b.) That within the first year after the date of his homestead entry he broke and prepared for crop not less than five acres of his homestead quarter-section ; or if the land affected by his homestead entry be timber land, then in lieu of breaking and preparing for crop five acres he may substitute therefor the clearing and fencing of three acres ;

(c.) That within the second year he cropped the said five acres, and broke and prepared for crop not less than ten acres in addition, making not less than fifteen acres in all ; or if the land affected by his homestead entry be timber land, in lieu of cropping five acres and breaking and preparing for crop ten acres additional, he may substitute therefor cropping the three acres broken the previous year and clearing and fencing five acres in addition, making in all eight acres cleared and fenced, three of which shall also be cropped ;

(d.) That he has erected a habitable house upon his homestead before the expiration of the second year after his homestead entry, and has *bonâ fide* resided therein and has cultivated the land for three years next prior to the date of his application for his patent ;

(e.) That at the commencement of the third year after the date of his homestead entry, or previously, he commenced the residence on his homestead required by the next preceding paragraph of this sub-clause :

(5.) Proof of the residence and improvements required by this clause shall be made by the claimant by affidavit, and shall be corroborated by the evidence on oath of two disinterested witnesses, resident in the vicinity of the land affected by their evidence, and accepted as sufficient by

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the Commissioner of Dominion Lands or in his absence by a member of the Land Board ; such affidavit shall be sworn and such testimony given before the local agent or, in his absence, the senior clerk performing his duties, or some other person named for that purpose by the Minister of the Interior.

19. Every person who has obtained a homestead entry, and who proposes to apply for a patent for such homestead, shall give six months' notice in writing to the agent of Dominion Lands of his intention to make such application, and shall produce evidence to the officer who is authorized to receive the application that such notice has been duly given.

20. In case it is proved to the satisfaction of the Minister of the Interior that a settler has not resided upon and cultivated his homestead, except as herein provided, for at least six months in any one year, or has failed to cultivate and crop the said land during the first two years after obtaining entry therefor, or to erect a habitable house before the expiration of the second year after such entry, and to *bonâ fide* reside therein and cultivate the land for three years next prior to the date of his application for patent, or has made any false statement in the affidavit in support of his application for entry, or if he fails, within the time provided for in these regulations, to apply for a patent for his homestead, and to pay for the said homestead the price specified in these regulations, the right to the land shall be forfeited and the entry therefor shall be cancelled, and the settler so forfeiting his entry shall not be eligible to obtain another entry, except in special cases in the discretion of the Minister of the Interior :

(2.) Provided, that in case of illness, vouched for by sufficient evidence, or in the case of immigrants requiring to return to their native land to bring out their families to their homesteads, or in other special cases, the Minister of the Interior may, in his discretion, grant an extension of time, during which a settler may be absent from his homestead without prejudice to his right therein ; but the extension of time so granted shall not count as residence.

21. A homestead, the entry of which has been cancelled, may, at the discretion of the Minister, be held for homestead entry by another person, on such terms and conditions as the Minister of the Interior may prescribe, or for sale of the land with the improvements if any, or of the improvements alone in connection with homestead entry thereof, to another person.

22. Any assignment or transfer of homestead right or any part thereof and any agreement to assign or transfer any homestead right or any part thereof after patent shall have been obtained, made or entered into before the issue of the patent, shall be null and void ; and the person so assigning or transferring or making an agreement to assign or transfer shall forfeit his homestead right and shall not be permitted to make another homestead entry : Provided, that a person whose homestead may have been recommended for patent by the local agent or senior clerk and who has received from such agent or clerk a certificate to that effect in the Form K, in the schedule to these regulations, countersigned by the Commissioner of Crown Lands, or in his absence any member of the Dominion Lands Board may legally dispose of and convey, assign or transfer his right and title therein.

*Interior.**Fruit Culture.*

23. Any person eligible under these regulations to obtain a homestead entry may, for fruit-growing purposes, upon payment of a fee of ten dollars, and upon making application therefor to the local agent in the Form L, in the schedule hereto, obtain entry for any area not in excess of one quarter-section of Dominion Lands of the class open for homestead entry under these regulations, upon the following terms and conditions:—

(a.) For each legal sub-division included in the land entered, the applicant shall, during the first year alter the date of entry, clear at least four acres and plant the same in fruit trees, bushes, plants or vines, to the number prescribed in these regulations;

(b.) During the second year he shall clear and plant three acres additional; and any trees, plants or vines planted the preceding year which may have died shall be replaced;

(c.) During the third year he shall clear three acres additional, planting the same as in the first and second years, and replacing any trees, shrubs, plants or vines planted during the first and second years which may have died:

(d.) At the end of the third year he shall have ten acres cleared and planted with fruit trees, bushes or vines;

(e.) Provided that the clearing and planting herein provided for may be made upon any portion of the land entered for:

(f.) The fruit trees, bushes or vines to be planted by the applicant as herein provided, shall be in the proportion set forth in the following table, according to the variety or varieties planted:—

	Kind.	Distance apart.	No. per Acre.
Apple trees, standards.....		33 feet.	40
Pear " "		20 "	110
Peach " "		15 "	200
Plum " "		15 "	200
Cherry " "		20 "	110
Currant bushes.....		4 " x 6 feet,	1,815
Gooseberry bushes.....		4 " x 6 "	1,815
Grapes.....		10 " x 12 "	364
Raspberries.....		8 " x 6 "	2,425
Strawberries.....		1 " x 4 "	10,900

(g.) At the expiration of five years from the date of his entry, the applicant, or in case of his death his legal representative, upon proving to the satisfaction of the local agent, or in his absence the senior clerk performing his duties, that there are then growing upon the land and in healthy condition, the number of trees, bushes, plants or vines, as the case may be, prescribed by these regulations, shall be entitled to a patent for the land upon payment therefor at the rate of one dollar per acre, provided such proof is accepted by the Commissioner of Dominion Lands, or in his absence by a member of the Land Board; but such patent shall not issue to any person who is not a subject of Her Majesty by birth or naturalization;

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(h.) If any person having an entry for land for purposes of fruit culture fails to comply with any of the conditions in respect thereof prescribed by these regulations, his entry therefor shall be forfeited and cancelled, and he shall have no claim to the land whatever, except in special cases, in the discretion of the Minister of the Interior.

Grazing Lands.

24. The Governor in Council may, from time to time, grant leases of unoccupied Dominion lands for grazing purposes to any person or persons, for such term of years and at such rent in each case, as may be deemed expedient; and every such lease shall contain a condition by which the Governor in Council may authorize the Minister of the Interior, at any time during the term of the lease, to give the lessee notice of cancellation thereof; and at the end of the two years from the service of such notice such lease shall cease and determine.

Mining and Mining Lands.

25. Lands containing coal or other minerals, whether in surveyed or unsurveyed territory, may be disposed of in such manner and on such terms and conditions as may, from time to time, be fixed by the Governor in Council by regulations to be made in that behalf.

26. It is hereby declared that no grant from the Crown of lands in freehold, or for any less estate, has operated or will operate as a conveyance of the minerals therein, unless the same are expressly conveyed in such grant.

Ditches.

27. The provisions of the mining regulations having reference to the diversion and use of the water from any stream or lake, and the rights of way necessary for the construction of flumes and ditches to convey such water, shall apply to the diversion and use of the water from any stream or lake, and the rights of way necessary to the conveyance thereof in respect of the irrigation of agricultural lands.

Timber Licenses.

28. The provisions of the Act of the Legislature of British Columbia, 47 Vic., Chap. 32, intituled "An Act relating to the cutting of timber upon Provincial lands and for the purpose of deriving a revenue therefrom," shall govern the mode of disposal of, and the rents, royalties, dues and charges upon the timber lands in the railway belt in British Columbia lying south of $49^{\circ} 34'$ north latitude and west of 121° of longitude west of Greenwich, but the said Act of the Legislature of British Columbia, in so far as it applies to the lands in the railway belt lying south of $49^{\circ} 34'$ north latitude and west of the 121° of longitude west of Greenwich, shall be administered by the Minister of the Interior of Canada, and the rents, royalties, dues and other charges to be made and collected upon

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or in respect of the said timber lands shall be paid to the credit of the Receiver-General of Canada; and the enactments and provisions in the twenty-six next following clauses shall be limited in their effect to the Dominion lands in the railway belt in British Columbia, lying north and east of the tract hereinbefore described, as far as the height of land forming the water-shed between the basin of the Shuswap Lake and the Thompson River on the west, and the basin of the Columbia River on the east; and in regard to the timbered lands within the railway belt in British Columbia lying east of the said height of land, the provisions of the Dominion Lands Act, 1883, and the regulations thereunder made from time to time by the Governor in Council, shall apply:

(a.) The word "timber" shall mean all wood and the products thereof.

29. It shall be unlawful for any person, without a license in that behalf, to be granted as hereinafter mentioned, to cut, fell or carry away any trees or timber upon or from any Dominion lands.

30. Every person who shall violate the provisions of the preceding section shall, for the first offence, be liable to a penalty of two hundred and fifty dollars, and in default of immediate payment to imprisonment for three calendar months, and, for a second conviction, to both a fine of two hundred and fifty dollars and imprisonment for three calendar months.

31. Any person desirous of cutting or felling and carrying away trees or timber from Dominion lands may obtain a license to that effect upon proving to the satisfaction of the Minister of the Interior that he has complied with the following provisions, such proof to be made by affidavit in the Form P in the schedule hereto:

(a.) He shall apply in writing to the Minister of the Interior for a license, and shall also, if the land intended to be covered by such license be not included in any surveyed township, stake out the land sought for, by placing at each angle or corner of the land a stake or post at least four inches square and standing not less than four feet above the surface of the ground; and upon each post he shall inscribe his name, and the angle represented thereby, thus:—"A. B's. N. E. corner" (meaning north-east corner), or as the case may be: except such posts are so planted before the notice referred to in the next succeeding section is given, all the proceedings taken by the applicant shall be void; and with his application he shall forward to the Minister of the Interior a map or sketch of the land so staked out, specifying metes and bounds and showing thereon the best information in his power respecting the same, but if the land has already been included in any general survey, then the official number of the section or sections or part thereof applied for shall be given:

(b.) He shall, after making the application for the license, publish, for a period of thirty days, in the *British Columbia Gazette*, and in any newspaper circulating in the district in which the lands lie, notice of his application for a timber license, and shall in such notice give the best description of the land applied for, specifying metes and bounds, and such further particulars, if any, as may be required by the Minister of the Interior.

32. In the event of any adverse claim being filed with the Minister of the Interior, he may hear and decide upon the same.

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33. Timber licenses shall be granted for such area and such length of time as may, from time to time, be determined by the Governor in Council; the licensee shall pay to the Minister of the Interior, for the use of Her Majesty, annually, during the currency of the license, the sum of fifty dollars therefor, the first payment to be made upon the granting of the license, and subsequent payments thereafter annually on a day to be named in the license, and in default of payment of any such sum within thirty days after the same should have been paid, the license shall be void.

34. No timber license shall be granted in respect of lands forming the site of any Indian settlement or reserve, and the Minister of the Interior may refuse to grant a license in respect of any particular land, if, in his opinion, it is deemed expedient in the public interest so to do.

35. The license may be in the Form Q, in the schedule to these regulations.

36. Every licensee shall keep an account in writing, of the number of trees felled by him upon the land embraced within his license, and the measurement thereof; and shall, at the expiration of every month, during the currency of his license, make and furnish to the Minister of the Interior a statement in writing, verified by affidavit, showing the number of trees so felled and the measurement thereof, and shall then forthwith pay to the Crown timber agent, for the use of Her Majesty, in respect of each tree felled, the sum of thirty cents, and also the sum of seventy-five cents for each and every one thousand feet of board measure contained in the logs made from such trees, and until the same shall be paid the logs shall not be removed from the land where they were cut, and a lien for such timber dues shall attach to the logs until the dues are paid, and as soon as the logs are scaled and measured, and until payment of the dues, the Crown timber agent may take and hold possession of the logs.

37. In reckoning the number of trees felled, there shall not be included small timber used for skids, levers, rafting stuff, or the like, and no dues shall be payable in respect of such small timber.

38. The scale and rule by which the measurement of logs shall be determined is the rule laid down and prescribed in Scribner's Lumber and Log Book, as copyrighted, in 1882, by George W. Fisher, of Rochester, New York.

39. In scaling or measuring logs a deduction shall be made, in the case of hollow logs, equal to one-half of the diameter of the hollow portion of such logs; and of all logs over eighteen feet in length, the mean diameter shall be taken.

40. If the licensee shall fail to keep correct books of account of his business, or to submit the same for the inspection of any authorized agent of the Minister of the Interior whenever required, or to render to the Minister of the Interior the statement in writing aforesaid, or shall wilfully make a false statement, he shall be liable to a penalty of two hundred and fifty dollars, to be recovered as hereinbefore provided, and in default of payment, imprisonment not exceeding sixty days; and in case of conviction the license held by him may be cancelled by the Minister of the Interior.

*Interior.**Liability of persons cutting timber without authority.*

41. If any person without authority cuts or employs or induces any other person to cut, or assist in cutting, any timber of any kind on Dominion lands, or removes or carries away, or employs, or induces, or assists any other person to remove or carry away any timber of any kind so cut, he shall not acquire any right to such timber, or any claim for remuneration for cutting the same, preparing the same for market, or conveying the same to or towards market; and when the timber has been removed out of the reach of the Crown timber officers, or it is otherwise found impossible to seize it, he shall, in addition to the loss of his labor and disbursements, pay a fine not exceeding three dollars for each log which he is proved to have cut or carried away, or assisted to cut or carry away; and such sum shall be recoverable with costs, at the suit and in the name of the Crown, in any court having jurisdiction in civil matters to the amount of the penalty; and in all cases the burden of proof of authority to cut and take the timber shall lie on the party charged; and the averment of the party seizing or prosecuting, that he is duly employed under the authority of these regulations, shall be sufficient proof thereof, unless the defendant proves the contrary.

42. Whenever satisfactory information, supported by affidavit made before a justice of the peace, or before any other competent officer or person, is received by any Crown timber officer or agent, that any timber has been cut without authority on Dominion lands, or if any Crown timber officer or agent, from other sources of information, or his own knowledge, is aware that any timber has been cut without authority on any such lands, he may seize or cause to be seized, in Her Majesty's name, the timber so reported or known to be cut, wherever it is found, and place the same under proper custody, until a decision can be had in the matter by competent authority:

(2.) And where the timber reported, or known to have been cut without authority, has been made up with other timber into a crib, dam or raft, or in any other manner, has, at any mill or elsewhere, been so mixed up with other timber as to render it impossible or very difficult to distinguish the timber so cut without authority from the other timber, the whole shall be held to have been cut without authority, and shall be liable to seizure and forfeiture accordingly, until the holder shall have separated, to the satisfaction of the Crown timber agent, the one timber from the other.

43. Whenever any Crown timber agent, or other officer or agent of the Minister of the Interior, is in doubt as to whether any timber has or has not been cut without authority, or is or is not liable to Crown dues on the whole or any part thereof, he may enquire of the person or persons in possession or in charge of such timber, as to when and where the same was cut; and if no satisfactory explanation, on oath or otherwise as he may require, be given to him, he may seize and detain such timber until proof be made to the satisfaction of the Minister of the Interior, or of such Crown timber agent or officer, that such timber has not been cut without authority, and is not liable, either in whole or in part, to Crown dues of any kind; and if such proof be not made within thirty days after such

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seizure such timber may be dealt with as timber cut without authority, or on which the Crown dues have not been paid, according to the circumstances of the case; and the dues thereon may be recovered as provided in the seventy-fourth clause of the Dominion Lands Act.

44. In case any timber, or any product thereof, is seized under the provisions of these regulations by any Crown timber agent or officer, he may allow such timber or product thereof to be removed and disposed of, on receiving sufficient security, by bond or otherwise, to his satisfaction, for the full value thereof, or, in his discretion, for payment of double the amount of all dues, fines, penalties and costs incurred or imposed thereon, as the case may be.

45. All timber seized under these regulations on behalf of the Crown as being forfeited, shall be deemed to be condemned, unless the owner thereof, or the person for whom it was seized, within one month from the day of the seizure, gives notice to the seizing officer, or to the Crown timber agent or officer under whose authority the seizure was made, that he intends to contest the seizure. If, within fifteen days thereafter, the claimant shall not have instituted proceedings before a court of competent jurisdiction to contest the seizure, or if the decision of the court be against him, or should the claimant fail duly to prosecute such proceedings, in the opinion of the judge before whom such case may be tried (and who may for that cause dismiss the suit on the expiration of three months from the date on which it was instituted—anything to the contrary hereinbefore enacted notwithstanding), the timber may be confiscated and sold for the benefit of the Crown, by order of the Minister of the Interior, after notice on the spot of at least thirty days: Provided, nevertheless, that the Minister of the Interior, should he see cause for doing so, may, instead of confiscating timber cut without authority on Dominion lands, impose a fine or penalty, which, in addition to all costs incurred, shall be levied on such timber; and, in default of payment of the whole on demand, he may, after a notice of fifteen days, sell such timber by public auction, and may, at his discretion, retain the whole proceeds of such sale, or the amount of penalty and costs only.

46. And whenever any timber is seized for non-payment of Crown dues, or for any cause of forfeiture, or any prosecution is instituted for any penalty or forfeiture under these regulations, and any question arises whether the said dues have been paid on such timber, or whether said timber was cut on other than any of the Dominion lands aforesaid, the burden of proving payment, or of proving on what land the said timber was cut, shall lie on the owner or claimant of such timber, and not on the officer who seizes the same, or the party instituting such prosecution.

47. An officer or person, seizing timber in the discharge of his duty under these regulations, may, in the name of the Crown, call in any assistance necessary for securing and protecting the timber so seized; and if any person under any pretence, either by assault, force or violence, or by threat of such force or violence, in any way resists or obstructs any officer or person acting in his aid, in the discharge of his duty under these regulations, such person shall be guilty of felony, and, being convicted thereof, shall be punishable accordingly.

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48. If any person, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away, or causes to be taken or carried away without permission of the officer or person who seized the same, or of some competent authority, any timber seized and detained for any lawful cause under these regulations, before the same has been declared by competent authority to have been seized without due cause, such person shall be deemed to have stolen such timber, the property of the Crown, and to be guilty of felony, and, being convicted thereof, shall be punishable accordingly.

49. The Minister of the Interior may, from time to time, define timber districts, and may appoint a Crown timber agent for each district.

50. The Minister of the Interior may, in his discretion, cancel any timber licenses granted under the provisions of these regulations, if the licensee shall not, within the time prescribed by his license, continuously proceed to cut and manufacture the timber contained within the limits of his license.

Slides, &c.

51. No sale or grant of any Dominion lands shall give or convey any right or title to any slide, dam, water-way, pier or boom, or other work previously constructed on such land, or any stream passing through or along it, for the purpose of facilitating the descent of timber or saw logs, unless it be expressly mentioned in the letters patent or other documents establishing such sale or grant that such slide, dam, water-way, pier or boom, or other work, is intended to be thereby sold or granted :

(2.) The free use of any slide, dam, water-way, pier, boom or other work on streams, to facilitate the descent of lumber and saw logs, and the right of access thereto for the purpose of using the same and keeping the same in repair, shall not in any way be interrupted or obstructed by or in virtue of any sale or grant of Dominion lands made subsequent to the construction of any such work.

52. The free use for the floating of saw logs or other timber, of any stream or lake that may be necessary for the descent thereof from Dominion lands, and the right of access to such stream or lake, and of passing and re-passing on or along the land on either side, and wherever necessary for such use thereof, and over any existing or necessary portage road past any rapid or fall, or connecting such stream or lake, and over such road as, owing to natural obstacles, may be necessary for taking out timber from Dominion lands, and the right of constructing any slide or water-way where necessary, shall continue uninterrupted, and shall not be affected or obstructed by or in virtue of any sale or grant of such lands.

Assignments.

53. The Minister of the Interior shall cause to be kept in his Department, books for registering, at the option of the parties interested, assignments of any right to Dominion lands which is assignable under these regulations, upon proof to his satisfaction that such assignment is in conformity with these regulations ; and every assignment so registered shall

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be valid against any other assignment unregistered or subsequently registered; but any assignment to be registered must be unconditional, and all conditions on which the right depends must have been performed or dispensed with by the Minister of the Interior before the assignment is registered.

Township Plans and Patent Lists.

54. The Minister of the Interior shall transmit to the Registrar General of British Columbia, or his proper deputy or deputies, as early as possible in each year, a certified copy of the map of each township in such district or division, surveyed in the year next preceding, together with a certified list of the lands in such district or division patented during such year

General Provisions.

55. The following powers are hereby delegated to the Governor in Council, to be exercised, from time to time, by special Orders in Council, upon the recommendation of the Minister of the Interior:—

(a.) To withdraw from the operation of these regulations, subject to existing rights as defined or created under the same, such lands as have been or may be reserved for Indians;

(b.) To encourage works undertaken, with a view of draining and reclaiming swamp lands, by granting to the promoters of such works remuneration in the way of grants of the lands so reclaimed, or of such portions thereof, or any other land, as may be deemed fair and reasonable;

(c.) To make such orders as may be deemed necessary, from time to time, to carry out the provisions of these regulations, according to their true intent, or to meet any cases which may arise and for which no provision is made in these regulations; and further to make and declare any regulations which may be considered necessary to give the provisions in this clause contained full effect; and from time to time alter or revoke any order or orders or any regulations made in respect of the said provisions, and make others in their stead:

(2.) Every order or regulation made by the Governor in Council, in virtue of the provisions of this clause, or of any other clause of these Regulations, shall, unless otherwise specially provided in these regulations, have force and effect only after the same has been published for four successive weeks in the *Canada Gazette* and *British Columbia Gazette*; and all such orders or regulations shall be laid before both Houses of Parliament, within the first fifteen days of the Session next after the date thereof.

56. All affidavits, oaths, solemn declarations affirmations required to be taken or made under these regulations except as otherwise herein provided, may be taken before a registrar of the Supreme Court of British Columbia, or the judge or registrar of any County Court, or any justice of the peace, or any commissioner for taking affidavits, or notary public, or any Dominion lands agent or officer, or any person specially authorized to take such affidavits by these regulations or by the Minister of the Interior.

57. The Dominion Lands Board, or any member thereof, the Crown timber agent, or any person specially authorized to that effect by the

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Governor in Council, shall have power to summon before them, or him, any person, by subpoena issued by them or him, to examine such person under oath and to compel the production of papers and writings before them or him—and such subpoena may be in the Form R in the schedule to these regulations—and, if any person duly summoned neglects or refuses to appear at the time and place specified in the subpoena upon him legally served, or refuses to give evidence or to produce the papers or writings demanded of him, may, by warrant under their or his hands or hand, cause such person so neglecting or refusing, to be taken into custody and to be imprisoned in the nearest common gaol, as for contempt of court, for a period not exceeding fourteen days.

58. In any case where an affidavit or oath is required by these regulations, a solemn affirmation may be administered to, and made, instead of an oath, by any person who is by law permitted in civil cases to make a solemn affirmation instead of taking an oath.

59. Every receipt or certificate of entry or sale issued by an agent of Dominion lands shall, unless such entry or sale shall have been revoked or cancelled by the Minister of the Interior, entitle the person to whom the same was granted to maintain suits at law or in equity against any wrong-doer or trespasser on the lands to which such receipt or certificate relates, as effectually as he could do under a patent of such land from the Crown.

SURVEYS AND SURVEYORS.

Who shall be competent to survey Dominion Lands.

60. Clauses ninety-nine to one hundred and thirty-nine inclusive of the Act 49 Victoria, Chapter 54, Consolidated Statutes of Canada, are hereby extended to the public lands of Canada in the Province of British Columbia.

Tariff of Fees.

61. The Governor in Council may establish a tariff of fees to be charged by the Minister of the Interior for all copies of maps, township plans, field notes and other records, and also for registering assignments; and all fees received under such tariff shall form part of revenue from Dominion lands.

SCHEDULE.

FORM A.

Application for a Homestead Entry.

I, _____, of _____, do hereby apply for a homestead entry, under the provisions of the "Regulations for the disposal of Dominion lands within the railway belt in the Province of British Columbia approved by Order in Council of the _____, 188 _____," for the quarter-section of section number _____ of the _____ township, in the _____ range _____ of the _____ meridian.

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FORM B.

Affidavit in support of a claim for homestead entry by a person who has *bonâ fide* settled and made improvements upon land in advance of survey.

I, A. B., do solemnly swear (*or affirm, as the case may be*) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is surveyed agricultural land; it is not chiefly valuable for its timber, or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value; there is not upon it any water-power which may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station; that I became resident upon and began to cultivate the said land on the day of , 18 , before the same was surveyed; that I have resided upon and cultivated the said land continuously ever since; that there is no other person residing or having improvements upon it, and that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the said land, and not directly or indirectly for the use and benefit of any other person or persons whomsoever; and that I have not heretofore obtained an entry for a homestead on Dominion lands, nor do I own more than one hundred and sixty acres of land within the tract known as the railway belt in British Columbia.

Subscribed and sworn to, this day of } (*Signature*)
18 , before me.

Local Agent.

FORM C.

Affidavit in support of a claim for homestead entry by a person who has not previously obtained homestead entry.

I, A. B., do solemnly swear (*or affirm, as the case may be*) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is surveyed agricultural land; it is not chiefly valuable for its timber or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value; there is not upon it any water power which may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station; that there is no person residing on the said land, nor are there any improvements thereon, and that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other

Interior.

person or persons whomsoever, and that I have not heretofore obtained a homestead on Dominion lands, nor do I own any lands within the tract known as the Railway belt in British Columbia.

Subscribed and sworn to, this day of }
18 , before me. (Signature)

Local Agent.

FORM D.

Affidavit in support of a claim for homestead entry by a person who has previously obtained and has forfeited his homestead entry, but is permitted by the Minister of the Interior to obtain another homestead entry.

I, A. B., do solemnly swear (*or affirm as the case may be*) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is surveyed agricultural land; it is not chiefly valuable for its timber, or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value; there is not upon it any water power which may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station; that there is no person residing on the said land, nor are there any improvements thereon; that I obtained homestead entry on the day of

18 , for the quarter-section of section
township , range , of the meridian, but forfeited the same; that by order of the Minister of the Interior, which I now produce, I have been permitted to make application for and to receive another homestead entry; that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the land applied for, and not, directly or indirectly, for the use or benefit of any other person or persons whomsoever, and I neither own nor have I a homestead entry for any other land within the tract known as the railway belt in British Columbia.

Subscribed and sworn to, this day of }
18 , before me. (Signature)

Local Agent.

FORM E.

Application for a homestead entry by an agent.

I, A. B., do hereby apply on behalf of of
 , for homestead entry under the provisions of the "Regulations for the disposal of Dominion lands within the Railway Belt in the Province of British Columbia as approved by Order in Council, dated " for the quarter-section of section
number of the township, in the range
of the meridian.

Interior.

FORM F.

Affidavit by an agent in support of a claim for homestead entry on behalf of a person who has *bonâ fide* settled and made improvements upon land in advance of survey

I, A.B., do solemnly swear (*or affirm, as the case may be*) that for whom I am acting herein as agent, is over eighteen years of age; that to the best of my knowledge and belief the land in respect of which the application is made is surveyed agricultural land; it is not chiefly valuable for its timber, or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value; there is not upon it any water power which may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station; that the said

became resident upon and began to cultivate the said land on the day of 18 , before the same was surveyed; that he has resided upon and cultivated the said land in conformity with the requirements of the homestead provisions of the Dominion lands regulations in British Columbia ever since; that there is no other person residing on, or claiming, or having improvements upon it, and that this application is made for his exclusive use and benefit, with the intention of his residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever, and that he has not heretofore obtained an entry for a homestead on Dominion lands, nor does he own any land within the tract known as the railway belt in British Columbia.

Subscribed and sworn, this day of { (*Signature*)
18 , before me.

Local Agent.

 FORM G.

Affidavit by an agent in support of a claim for homestead entry on behalf of a person who has not previously obtained homestead entry.

I, A.B., do solemnly swear (*or affirm, as the case may be*) that , of , for whom I am acting herein as agent, is over eighteen years of age; that to the best of my knowledge and belief the land in respect of which the application is made is surveyed agricultural land; it is not chiefly valuable for its timber, or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value; there is not upon it any water power which may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station; that there is no person residing upon the said land, nor are there any improvements thereon, and that this application is made for the exclusive use and benefit

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of the said _____, with the intention of his residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever, and that he has not heretofore obtained an entry for a homestead on Dominion lands, nor does he own any lands within the tract known as the railway belt in British Columbia.

Subscribed and sworn to, this _____ day of } (Signature)
18 --, before me.

Local Agent.

FORM H.

Affidavit by an agent in support of a claim for homestead entry on behalf of a person who has previously obtained and has forfeited his homestead entry, but is permitted by the Minister of the Interior to obtain another homestead entry.

I, A. B., do solemnly swear (or affirm as the case may be) that for whom I am acting herein as agent, is over eighteen years of age; and to the best of my knowledge and belief the land in respect of which application is made is surveyed agricultural land; it is not chiefly valuable for its timber, or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value; there is not upon it any water power which may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station; that there is no person residing on the said land, nor are there any improvements thereon; that he obtained homestead entry on the _____ day of _____, 18 --, for the _____ quarter-section of section _____ township _____ range _____, of the _____ meridian, but forfeited the same; that by an order of the Minister of the Interior, which I now produce, he has been permitted to make application for and receive another homestead entry, and that this application is made for his exclusive use and benefit, with the intention of his residing upon and cultivating the land applied for, and not directly or indirectly for the use or benefit of any other person or persons whomsoever, and that he neither owns nor has he a homestead entry for any other land within the tract known as the railway belt in British Columbia.

Subscribed and sworn to, this _____ day of } (Signature.)
18 --, before me.

Local Agent.

FORM J.

Receipt and certificate of entry.

I certify that I have received from _____ the sum of ten dollars, being the office fee for homestead entry for (describe the land), and that the

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said _____ is, in consequence of such entry and payment, vested with the rights conferred in such cases by the provisions of the "Regulations for the disposal of Dominion lands within the Railway Belt in the Province of British Columbia as approved by Order in Council, dated _____," respecting homestead rights

*Local Agent.**(Place—Date).*

FORM K.

Certificate of recommendation for patent.

I certify that _____ who is the holder of a homestead entry for *(describe the land)* has complied with the provisions of the law required to be conformed to, in order to entitle him to receive a patent for such land, and that I have recommended the issue of such patent.

*Local Agent.**(Place—Date).*

Countersigned :

Commissioner of Dominion Lands.

FORM L.

Application for fruit culture entry.

, 188 .

I, A. B., do hereby apply for entry under the "Regulations for the disposal of Dominion Lands for fruit culture within the Railway Belt in the Province of British Columbia, as approved by Order in Council of the day of _____, 188 , " for _____ L.S., _____, of section number _____, of the _____ township in the _____ range west of the _____ meridian.

And I, A. B., do solemnly swear *(or affirm, as the case may be)* that I am over eighteen years of age ; that to the best of my knowledge and belief the land in respect of which this application is made is of the class open for homestead entry ; that there is no person residing upon the said land, nor are there any improvements thereon ; and that I have not heretofore obtained a fruit culture or other entry for Dominion Lands.

Sworn before me, this _____ day)
 of _____ A D. 18 _____, } *(Signature)*
 at _____

Local Agent.

FORM M.

Notice of application for right to divert water.

Notice is hereby given in pursuance of the provisions of the regulations for the disposal of Dominion lands within the railway belt in the Province

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of British Columbia, that I, _____ of _____ at the expiration of 20 days from the date hereof intend to apply to the local agent of Dominion lands at _____, in the Province of British Columbia, for authority to take, carry away and divert to my (farm or mining claim) from its natural channel _____ inches of the unentered and unappropriated water of the (stream or lake) known as _____ for _____ purposes during the term of _____ years from the date of record with the object of (irrigating or sluicing) my said (farm or mining claim); such diversion will be made at a point situated on the (north, east, south, or west, end or side) of the said (stream or lake) marked on the ground by a conspicuous post, and it is intended that such water shall be carried in and through a (ditch or flume or both) in a _____ direction over the lands of _____, as indicated by like posts planted, where practicable, every quarter of a mile along the proposed line of the (ditch or flume or both).

(Signature)

Dated this _____ day of _____, 18 _____, at _____

FORM N.

Affidavit in support of application for right to divert water.

Province of British Columbia, }
To Wit :

I, _____ of _____, make oath and say :—

1st. That the document hereunto annexed and marked with the letter "A" is a true copy of a notice given by me, _____, in pursuance of the provisions of the regulations for the disposal of the Dominion lands within the railway belt in the Province of British Columbia, and posted up by me on the date thereof at the point of diversion therein named.

2nd. That on the _____ day of _____, A.D. 18 _____, I also posted up a like copy of such notice in a conspicuous place on the lands of each of the following persons, viz. :

3rd. That the lands of the said several persons named in the last above paragraph, and of no others, will be affected by the proposed diversion in the said notice mentioned.

4th. That I am lawfully entitled to hold land under the said regulations, and I am lawfully occupying (and *bonâ fide* cultivating or working, as the case may be), the (land or mineral claim) to which the said water is intended to be diverted.

5th. That I have planted posts in accordance with the terms of, and along the proposed line of _____, as indicated in the said notice, and I believe that I have performed all conditions precedent necessary to entitle me to a record of the water privilege in the said notice mentioned or referred to.

Sworn before me, this _____ day }
of _____ A.D. 18 _____, at _____ } (Signature)
in the said Province.

Local Agent.

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FORM O.

Grant of the right to divert water.

To all whom it may concern—GREETING :

Know ye, that _____, of _____, having complied with the provisions of clauses 28 and 29 of the regulations for the disposal of Dominion lands within the railway belt in the Province of British Columbia, as appears by affidavit of himself with notice annexed filed with the undersigned on the _____ day of _____ 18 _____, is hereby authorized to divert for his own use for a period of _____ years from the date hereof, _____ inches of unrecorded and unappropriated water of _____, or so much of that quantity as may be lawfully diverted and used by him under and in accordance with the provisions of the said regulations, and the said _____ is entitled to all the rights conferred by the said regulations upon the recorded owner of a water privilege.

Given the _____ day of _____ 18 _____, at _____ in the Province of British Columbia.

Local Agent.

 FORM P.

Affidavit in support of an application for a license to cut timber upon Dominion lands.

Province of British Columbia, }
 To Wit :

I, _____, of _____, make oath and say :—

1. That I have applied to the Minister of the Interior in writing for a license to cut timber on Dominion lands.

2. (*If the land applied for be surveyed land*). That the land covered by my application is the (*here describe land by section and part of section, township and range*).

2. (*If the land applied for be unsurveyed land*). That I have staked out, or caused to be staked out, the land sought for by placing at each angle or corner of the lands a stake or post not less than four inches square, and standing not less than four feet above the surface of the ground; and upon each post I have inscribed or caused to be inscribed my name and the angle represented thereby; that I have forwarded to the Minister of the Interior a map or sketch of the land so staked out, specifying metes and bounds, and showing thereon the best information in my power respecting the same.

3. That I have, after making application as aforesaid, published, for a period of thirty days, in the *British Columbia Gazette*, and also in the (*here insert name of newspaper*), a newspaper circulating in the district in

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which the lands applied for lie, a notice of my application for a timber license, giving the best possible description of the lands applied for.

Sworn before me this day }
 of A.D. 18 , at , } (*Signature*).
 in the said Province.

Local Agent.

FORM Q.

Timber license.

No.

Term years.

This is to certify that of in the Province of British Columbia, is hereby, from this date, licensed for the term of years next ensuing, to enter upon, cut, fell and remove (except as hereinafter is reserved) timber from all that tract of Dominion lands situate in the district of and more particularly described as (*insert description of land*), and containing acres, more or less, with right of ingress, egress and regress for agents, servants and workmen for such purposes over any adjacent, vacant and unoccupied Dominion lands.

Subject nevertheless, to the payment of the annual sum of dollars on the day of in each year of the said term, and to the payment of all other sums, fees and timber dues prescribed by the "Regulations for the disposal of Dominion lands within the railway belt in the Province of British Columbia as approved by Order in Council, dated " and also subject to all other provisions of the said Act with respect to timber.

Provided always, that any and all exceptionally large trees that may be standing or growing on the said tract of land are hereby expressly reserved to the use of Her Majesty for all time, and the said hereby expressly forbidden to cut or fell any of such trees.

Dated at

Deputy Minister of the Interior.

FORM R.

Subpœna.

To

GREETING :

You are hereby commanded that all things set aside and ceasing every excuse, you be and appear in your proper person before me the undersigned, at on the day of 18 , by o'clock in the noon, and so on from day to day, to be then and

there examined upon oath touching your knowledge of And you are to bring with you and produce all papers and writings in your custody, power or control, in any wise relating to the said matters; and take notice that if you neglect or refuse to appear at the time or place aforesaid you will be liable to be taken into custody and to be imprisoned in the nearest common gaol, as for contempt of court, for a period not exceeding fourteen days.

(Signature of Officer)

Vide Canada Gazette, Vol. XXI, p. 687.

By Order in Council bearing date, Saturday, 17th day of September, 1887, under the authority of the 90th section of "The Dominion Lands Act," Chapter 54 of the Revised Statutes of Canada, the Order in Council of the 18th July, 1887, respecting the reservation for the use for the North-West Mounted Police of land in the Rocky Mountains Park of Canada was cancelled, and the land situate in the Rocky Mountains Park of Canada, containing about 1,106 acres, was reserved for the use of the North-West Mounted Police.

Vide Canada Gazette, Vol. XXI, p. 697.

By Order in Council bearing date Wednesday, 5th day of October, 1887, under the provisions of the 47th section of Chapter 54 of the Revised Statutes of Canada, intituled "An Act respecting Public Lands," the regulations governing the disposal of mineral lands approved by the Order in Council of the 7th March, 1884, were cancelled, and the accompanying amended regulations governing the disposal of mineral lands other than coal lands in Manitoba and the North-West Territories, and of such mineral lands in British Columbia as are the property of the Government of Canada, were approved and adopted in lieu thereof.

[Generally it may be said that the few changes proposed in the mining regulations have for their object the assimilation of the system of administering mining lands within the railway belt in British Columbia with the mining laws of that Province, adhering, however, to the principle that the purchaser of mining lands shall acquire the right to such mines, minerals, and substances as may be found within the boundaries of his claim produced vertically, but not the right to follow the lead or vein of gold or silver bearing quartz which originates in his own claim outside of those vertical lines, as is the case under the ledge or Californian system which prevails in the Province.]

The principal changes may be briefly stated as:

The area of a mining location is reduced from 40 to a little over 20 acres.

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Under the present regulations a mining claim has to be rectangular in form and laid out on due north and south and east and west lines. It is proposed to make the form of the claim a parallelogram, with a length not exceeding 1,500 feet and a breadth not exceeding 500 feet, and to forego the requirement as to its being laid out on due north and south and east and west lines.

The present regulations require \$500 to be expended on a claim within one year of the date of entry and before patent shall issue, with the privilege of another year in certain cases within which to make such expenditure. The proposed regulations call for \$100 expenditure in each of five years, thus giving the locatee five years within which to make the \$500 worth of improvements; but if he wishes to obtain patent sooner, he can do so by making the necessary expenditure at any time before applying for patent.

A new feature of the proposed regulations is that provision is made to a limited extent for the formation of mining partnerships of not exceeding four persons, whose claims must be adjacent to each other, and the entries for which must have been made within three months of each other. In such cases the four partners will be permitted for the first two years to concentrate their annual expenditure on any one of the four claims. Such expenditure, however, does not count as expenditure on any but the claim on which it is made; in other words, it gives the partners two years extension of time within which to make the expenditure upon each of the claims required under the regulations to be made by individual claim holders within five years.

The sub-clauses of clause 8 provide that within surveyed territory the mining locations shall be adapted to the system of surveys—a new feature.

Clause 13 of the proposed regulations will enable the Minister, if he deem it expedient, to grant petroleum claims of an area of 160 acres each, under the same conditions as the present regulations provide for claims for iron mining lands.

Clause 18 is so amended that creek or river placer claims shall not exceed ten acres in area when the distance from base to base of the hill or bench exceeds ten chains.

Under the head of ditches, the present regulations provide for the granting of water required for works in connection with mining. Subject to the same conditions, the proposed regulations permit of the acquisition of the same right in connection with stamping mills, reduction works, &c.

It is proposed to repeal clause 81 of the present regulations with reference to royalty. The attempt to collect royalties upon gold and silver has proved abortive in British Columbia, as has every form of collecting the same impost in Australia. No charge of the kind being imposed outside the railway belt in British Columbia or in the neighboring States of the American Union, it would be impossible to enforce it in our territory. A revenue of equal value, but much more easily collectable, and less offensive, because no inquisitorial proceedings are necessary for its collection, can be obtained from the fees required to be paid annually until the issue of patent; and the territorial revenue in the North-West might be largely

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augmented, as in British Columbia, by requiring miners and prospectors to take out licenses

By the proposed regulations lots containing stone quarries can be taken up, but the products are either subject to royalty, or the lots may be sold absolutely at such price as the Minister may determine.

A new provision is that which permits the owner of a mine, who finds in the course of development that his lode or vein will pass beyond the vertical lines of his claim before he has reached the depth beyond which working would cease to be remunerative, and the adjacent land is vacant, to obtain an additional area of 20 acres on the side to which the lode or vein deflects. This privilege only attaches, however to a claim which is in process practically and *bonâ fide* of being worked.]

—

REGULATIONS Governing the disposal of Mineral Lands other than Coal Lands.

1. These regulations shall be applicable to all Dominion lands containing gold, silver, cinnibar, lead, tin, copper, petroleum, iron, or other mineral deposit of economic value, with the exception of coal.

2. Any person or persons may explore vacant Dominion lands not appropriated or reserved by Government for other purposes, and may search therein, either by surface or subterranean prospecting, for mineral deposits, with a view to obtaining under these regulations a mining location for the same; but no mining location or mining claim shall be granted until actual discovery has been made of the vein, lode, or deposit of mineral or metal within the limits of the location or claim.

I.—QUARTZ MINING.

3. A location for mining, except for iron or petroleum, on veins, lodes, or ledges of quartz or other rock in place, shall not exceed the following dimensions: Its length shall not be more than 1,500 feet, its breadth not more than 500 feet; its surface boundaries shall be four straight lines, and the side lines and end lines shall be parallel lines, except where prior locations may prevent, in which case it may be of such shape as may be approved by the Superintendent of Mines. Its length shall not be more than three times its breadth. Its boundaries beneath the surface shall be the vertical planes in which its surface boundaries lie.

4. Any person having discovered a mineral deposit may obtain a mining location therefor, under these regulations, in the following manner:—

(a.) He shall mark the location on the ground by placing at each of its four corners a wooden post, not less than four inches square, driven not less than eighteen inches into the ground, and showing that length above it. If the ground be too rocky to admit of so driving such posts, he shall build about each of them, to support it and keep it in place, a cairn or mound of stones, at least three feet in diameter at the base, and eighteen inches high. If the location be timbered, a line shall be run and well blazed joining the said posts. If it be not so timbered, and the ground is of such a nature that any one post cannot be seen from the ends of either of

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the lines, which form the angle at which the said post is placed, posts flattened on two sides (such flattened portions facing the directions of the line) shall be planted or mounded along the side lines wherever necessary, so that no difficulty may be experienced by a subsequent prospector or explorer in discovering or following the boundaries of any location. If the location be laid out with its boundaries due north and south and east and west, then he shall mark on the post designating the north-east angle of the location, legibly, with a cutting instrument, or with colored chalk, his name in full, the date of such marking, and the letters M. L. No. 1, to indicate that the post is Mining location post No. 1. Proceeding next to the south-easterly angle of the location he shall mark the post planted there with the letters M. L. No. 2, and his initials; next to the south-westerly angle of the location, the post planted at which he shall mark with the letters M. L. No. 3, and his initials; and lastly to the north-westerly angle of the location, the post planted at which he shall mark with the letters M. L. No. 4, and his initials. If the location be laid out by other than due north and south and east and west lines, the first mentioned post shall be the one at the northerly angle; the second the one at the easterly angle; the third the one at the southerly angle; and the fourth the one at the westerly angle. Furthermore, on the face of each post, which face shall in the planting thereof be turned towards the post which next follows it in the order in which they are here named and numbered, there shall be marked in figures the number of yards distant to the next following post. If means of measurement are not available, the distance to be so marked on each of the posts may be that estimated. If the corner of a location falls in a ravine, bed of a stream, or any other situation where the character of the locality may render the planting of a post impossible, the said corner may be indicated by the erection at the nearest suitable point of a witness post, which in that case shall contain the same marks as those prescribed in this clause in regard to corner posts, together with the letters W. P., and an indication of the bearing and distance of the site of the true corner from such witness post.

(In this manner any subsequent prospector, informed of these regulations, will, on finding any one of the posts or mounds, be enabled to follow them all round, from one to another, and avoid encroachment, either in search of or in marking out another location in the vicinity for himself);

(b.) Having so marked out on the ground the location he desires, the claimant shall, within sixty days thereafter, file with the agent in the Dominion lands office for the district in which the location is situated, a declaration under oath, according to Form A in the schedule to these regulations (which may be sworn to before the said agent, or may have been previously sworn to before a justice of the peace or commissioner), setting forth the circumstances of his discovery, and describing as nearly as may be, the locality and dimensions of the location marked out by him as aforesaid; and shall, along with such declaration, pay to the said agent an entry fee of five dollars.

(c.) The agent upon such payment being made shall grant a receipt according to the Form B in the schedule to these regulations. This receipt shall authorize the claimant, his legal representatives or assignees,

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to enter into possession of the location applied for, and subject to its removal from year to year as hereinafter provided, during the term of five years from its date, to take therefrom and dispose of any mineral deposit contained within its boundaries, provided that during each of the said five years after the date of such receipt he or they shall expend in actual mining operations on the claim at least one hundred dollars, and furnish to the agent of Dominion lands within each and every year a full detailed statement of such expenditure, which evidence shall be in the form of an affidavit corroborated by two reliable and disinterested witnesses; and the agent shall thereupon, subject to the payment by the claimant of a fee of five dollars, issue a receipt in the Form C in the schedule thereto, which shall entitle the claimant to hold the location for another year;

(d.) Any party of miners, not exceeding four, whose claims are adjoining, and each of which has been entered within three months of the other, may, for the better development of their locations, and upon being authorized to do so by the agent, make upon any one of such locations, during the first and second years after entry, but not subsequently, the expenditure required by these regulations to be made upon each of the said locations. The authority herein provided for shall be in the Form D in the schedule hereto, and shall be granted by the agent upon application made in writing to that effect by each of the claimants interested, and payment of a fee of five dollars, upon which payment the agent shall also grant a receipt in the Form E in the schedule hereto: Provided, however, that the expenditure made upon any one location shall not be applicable in any manner or for any purpose to any other location.

5. At any time before the expiry of five years from the date of his entry for his mining location, the claimant shall be entitled to purchase the said location upon filing with the agent proof that he has expended not less than five hundred dollars in actual mining operations on the same, and that he has in every other respect complied with the requirements of these regulations.

6. The price to be paid for a mining location shall be at the rate of five dollars per acre, cash.

7. On making the application to purchase a mining location, and paying the price therefor, as hereinbefore provided, the claimant shall also deposit with the agent the sum of fifty dollars, which shall be deemed payment by him to the Government for the survey of his location; and upon the receipt of the plans and field notes, and the approval thereof by the Surveyor General, a patent shall issue to the claimant in the Form F in the schedule hereto. If, on account of its remoteness or other cause, a mining location cannot, at the time of the deposit of fifty dollars by the applicant for the purpose, be surveyed by the Government for that sum, he shall be subject to the alternatives of waiting until the employment of a surveyor by the Government on other work in the vicinity of the claim renders it convenient to have the survey made at a cost not exceeding fifty dollars, or of sooner procuring, at his own cost, its survey by a duly commissioned surveyor of Dominion lands, under instructions from the Surveyor General; in the latter case, on receipt of the plans and field notes of the survey and approval thereof by the Surveyor General, as hereinbe-

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fore provided, the claimant shall be entitled to receive his patent, and to have returned to him the fifty dollars deposited by him to defray the cost of survey.

8. Should the claimant, or his legal representatives as aforesaid, fail to prove within each year the expenditure prescribed, or, having proved such expenditure, fail within the prescribed time to pay in full, and in cash, to the local agent, the price hereinbefore fixed for such mining location, and also to pay the sum of fifty dollars hereinbefore prescribed for the survey of his location,—then any right on the part of the claimant or of his legal representatives in the location, or claim on his or their part to acquire it, shall lapse, and the location shall thereupon revert to the Crown, and shall be held, along with any immovable improvements thereon, for disposal, under these regulations, to any other person, or as the Minister of the Interior may direct :

(a.) In cases where applications for mining locations are made in respect of lands within surveyed townships, they must conform to the regular system of surveys ; that is, the location shall be either legal subdivisions or regular sub-divisions thereof ; and prior to the application being granted it shall be necessary to stake out the location, at least approximately, on the ground, and it shall be surveyed by a Dominion land surveyor, acting under instructions from the Surveyor General, within one year thereafter :

(b.) If applications for mining locations are made within a township of which at least one boundary has been surveyed, to protect himself the discoverer may stake out his claim in conformity with these regulations ; but, before the issue of the patent, the claim shall, if required by the Minister of the Interior, be described by legal sub-divisions or fractional portions thereof, upon a survey made by a Dominion land surveyor acting under instructions from the Surveyor-General

Locations taken up prior to this date may, until the 1st July, 1888, be re-marked and re-entered in conformity with these regulations without the payment of new fees, in cases where no existing interest would thereby be prejudicially affected.

9. Where two or more persons lay claim to the same mining location, the right to acquire it shall be in him who can prove he was the first to discover the mineral deposit involved and to take possession, by demarcation in the manner prescribed in these regulations, of the location covering it.

10. Priority of discovery alone shall not give the right to acquire ; but a person subsequently and independently discovering, who has complied with the other conditions prescribed in these regulations, shall take precedence of the first discoverer if the latter has failed to comply with the said other conditions : Provided, however, that in any case where it is proved that a claimant has, in bad faith, used the prior discovery of another, and fraudulently affirms that he made independent discovery and demarcation, he shall, apart from any other legal consequences, have no claim, and shall forfeit the deposit made with his application, and shall be absolutely debarred from obtaining another mining location.

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11. Not more than one mining location shall be granted to any individual claimant upon the same lode or vein.

12. Where land is used or occupied for milling purposes, reduction works or other purposes incidental to mining operations, either by the proprietor of a mining location or other person, such land may be applied for and patented, either in connection with or separate from a mining location, in the manner hereinbefore provided for the application for and the patenting of mining locations, and may be held in addition to any such mining location; but such additional land shall in no case exceed five acres in extent, and shall be paid for at the same rate as a mining location.

13. The Minister of the Interior may grant a location for the mining of iron or petroleum not exceeding 160 acres in area, which shall be bounded by due north and south and east and west lines, and its breadth and length shall be equal: Provided, that should any person making an application purporting to be for the purpose of mining either iron or petroleum thus obtain, whether in good faith or fraudulently, possession of a valuable mineral deposit other than iron or petroleum, his right in such deposit shall be restricted to the area hereinbefore prescribed for other minerals, and the rest of the location shall thereupon revert to the Crown for such disposition as the Minister may direct.

14. When there are two or more applicants for any mining location, no one of whom is the original discoverer or his assignee, the Minister of the Interior, if he sees fit to dispose of the location, shall invite their competitive tenders, or shall put it up to public tender or auction as he may deem expedient.

15. An assignment of the right to purchase a mining location shall be indorsed on the back of the receipt or certificate of assignment (Forms B and G, in the schedule hereto), and the execution thereof shall be attested by two disinterested witnesses; upon the deposit of the receipt or certificate with such assignment executed and attested as herein provided, in the office of the agent, accompanied by a registration fee of two dollars, the agent shall give to the assignee a receipt in the Form G in the schedule hereto, which certificate shall entitle the assignee to all the rights and privileges of the original discoverer in respect of the claim assigned; and the said assignment shall be forwarded to the Minister of the Interior by the agent, at the same time and in like manner as his other returns respecting Dominion lands, and shall be registered in the Department of the Interior; and no assignment of the right to purchase a mining location which is not unconditional and in all respects in accordance with the provisions of this clause, and accompanied by the registration fee herein provided for, shall be recognized by the agent or registered in the Department of the Interior.

16. If application be made under the next preceding clause by the assignee of a right to purchase a mining location, and such claim is duly recognized and registered, as hereinbefore provided, such assignee shall, by complying with these regulations, become entitled to purchase the location for the price and on the terms prescribed thereby.

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II.—PLACER MINES.

17. The regulations hereinbefore laid down in respect of quartz mining shall be applicable to placer mining so far as they relate to entries, entry fees, assignments, marking of locations, agents' receipts, and generally where they can be applied, save and except as otherwise herein provided.

Nature and size of Claims.

18. The size of claims shall be as follows :—

(a.) For "bar diggings," a strip of land 100 feet wide at high water mark, and thence extending into the river to its lowest water level ;

(b.) For "dry diggings," 100 feet square ;

(c.) "Creek and river claims," shall be 100 feet long, measured in the direction of the general course of the stream, and shall extend in width from base to base of the hill or bench on each side, but when the hills or benches are less than 100 feet apart the claim shall be 100 feet square ; Provided, however, that in any case where the distance from base to base of the hill or bench exceeds ten chains, such claims shall be laid out in areas of ten acres each, the boundaries of such areas to be due north and south and east and west lines, and if within surveyed territory the said area of ten acres shall consist of one-fourth of a legal sub-division, and shall be marked on the ground in the manner prescribed by these regulations for marking quartz mining locations : Provided further, that any such claim intersected by a creek or river, shall, in addition to the stakes at the four corners thereof, have the points at which its boundaries may be intersected by the high water mark of the creek or river on both sides of the creek or river designated by posts of the same size which shall be driven into the ground the same depth and showing the same length above it as the posts prescribed by these regulations in respect of quartz mining locations, and the said posts shall have marked upon them legibly, with a cutting instrument or with colored chalk, the name of the claimant in full and the date of such marking ;

(d.) "Bench claims" shall be 100 feet square.

(e.) Every claim on the face of any hill, and fronting on any natural stream or ravine, shall have a frontage of 100 feet, drawn parallel to the main direction thereof, and shall be laid out, as nearly as possible, in the manner prescribed by section 4 of these regulations ;

(f.) If any person or persons shall discover a new mine, and such discovery shall be established to the satisfaction of the agent, claims of the following size, in dry, bar, bench, creek or hill diggings, shall be allowed :

To one discoverer.....	300 feet in length.		
a party of two.....	600	do	do
do three.....	800	do	do
do four.....	1,000	do	do

and to each member of a party beyond four in number, a claim of the ordinary size only.

A new stratum of auriferous earth or gravel, situated in a locality where the claims are abandoned, shall, for this purpose, be deemed a new

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mine, although the same locality shall have been previously worked at a different level ; and dry diggings discovered in the vicinity of bar diggings shall be deemed a new mine, and *vice versa*.

Rights and Duties of Miners.

19. The forms of application for a grant for placer mining, and the grant of the same, shall be those contained in Forms H and I in the schedule hereto.

20. The entry of every holder of a grant for placer mining must be renewed and his receipt relinquished and replaced every year, the entry fee being paid each time.

21. No miner shall receive a grant of more than one mining claim in the same locality, but the same miner may hold any number of claims by purchase, and any number of miners may unite to work their claims in common upon such terms as they may arrange, provided such agreement be registered with the agent, and a fee of five dollars paid for each registration.

22. Any miner or miners may sell, mortgage, or dispose of his or their claims, provided such disposal be registered with, and a fee of two dollars paid to the agent, who shall thereupon give the assignee a certificate in Form J in the schedule hereto.

23. Every miner shall, during the continuance of his grant, have the exclusive right of entry upon his own claim, for the miner-like working thereof, and the construction of a residence thereon, and shall be entitled exclusively to all the proceeds realized therefrom ; but he shall have no surface rights therein ; and the superintendent of mines may grant to the holders of the adjacent claims such right of entry thereon as may be absolutely necessary for the working of their claims, upon such terms as may to him seem reasonable.

24. Every miner shall be entitled to the use of so much of the water naturally flowing through or past his claim, and not already lawfully appropriated, as shall, in the opinion of the superintendent of mines, be necessary for the due working thereof ; and shall be entitled to drain his own claim free of charge.

25. A claim shall be deemed to be abandoned and open to occupation and entry by any person when the same shall have remained unworked on working days by the grantee thereof for the space of seventy-two hours, unless sickness or other reasonable cause be shown, or unless the grantee is absent on leave.

26. A claim granted under these regulations shall be continuously, and in good faith, worked, except as otherwise provided, by the grantee thereof or by some person on his behalf.

27. In tunnelling under hills, on the frontage of which angles occur, or which may be of an oblong or elliptical form, no party shall be allowed to tunnel from any of the said angles, or from either end of such hills, so as to interfere with parties tunnelling from the main frontage.

28. Tunnels and shafts shall be considered as belonging to the claim for the use of which they are constructed, and as abandoned or forfeited by the abandonment or forfeiture of the claim itself.

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29. For the more convenient working of back claims on benches or slopes, the superintendent of mines may permit the owners thereof to drive a tunnel through the claims fronting on any creek, ravine or watercourse, upon such terms as he may deem expedient.

Administration.

30. In case of the death of any miner while entered as the holder of any mining claim, the provisions as to abandonment shall not apply either during his last illness or after his decease.

31. The Minister of the Interior shall take possession of the mining property of the deceased, and may cause such mining property to be duly worked, or dispense therewith, at his option; and he shall sell the property by private sale, or, after ten days' notice thereof, by public auction, upon such terms as he shall deem just, and out of the proceeds pay all costs and charges incurred thereby, and pay the balance, if any, to the legal representatives of the said deceased miner.

32. The Minister of the Interior, or any person authorized by him, shall take charge of all the property of the deceased miners until the issue of letters of administration.

III.—BED-ROCK FLUMES.

33. It shall be lawful for the Minister of the Interior, upon the application hereinafter mentioned, to grant to any bed-rock flume company, for any term not exceeding five years, exclusive rights of way through and entry upon any mining ground for the purposes of constructing, laying and maintaining bed-rock flumes.

34. Three or more persons may constitute themselves into a bed-rock flume company; and every application by them for such grant shall state the names of the applicants and the nature and extent of the privileges sought to be acquired. Ten full days' notice thereof shall be given between the months of June and November, and between the months of November and June one month's notice shall be given, by affixing the same to a post planted in some conspicuous part of the ground or to the face of the rock, and a copy thereof conspicuously upon the inner walls of the land office of the district. Prior to such application, the ground included therein shall be marked out in the manner prescribed in sub-clause (a) of clause four of these regulations. It shall be competent for any person to protest before the agent within the times hereinbefore prescribed for the notice of such application, but not afterwards, against such application being granted. Every application for a grant shall be accompanied by a deposit of \$100, which shall be returned if the application be refused, but not otherwise.

35. Every such grant shall be in writing, in the Form K in the schedule hereto.

36. The holders of claims through which the line of the company's flume is to run may put in a bed-rock flume in their claims to connect with the company's flume, upon giving the company ten days' notice in writing to that effect; but they shall maintain the like grade, and build

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their flume as thoroughly, and of as strong materials, as that built by such company.

37. Every bed-rock flume company shall lay at least fifty feet of flume during the first year and one hundred feet annually thereafter, until completion of the flume.

8. Any miners lawfully working any claims where a bed-rock flume exists, shall be entitled to tail their sluices, hydraulics and ground sluices into such flume, but so as not to obstruct the free working of such flume, by rocks, stones, boulders or otherwise.

39. Upon a grant being made to any bed-rock flume company, the local agent shall register the same, and the company shall pay for such registration a fee of \$10. They shall also pay, in advance, an annual rent of \$10 for each quarter of a mile of right of way legally held by them.

IV.—DRAINAGE OF MINES.

40. The Minister of the Interior may grant to any person or persons permission to run a drain or tunnel for drainage purposes through any occupied mining land, and may give such persons exclusive rights of way through and entry upon any mining ground for any term not exceeding five years, for the purpose of constructing a drain or drains for the drainage thereof.

41. The grantee shall compensate the owners of lands or holders of claims entered upon by him for any damage they may sustain by the construction of such tunnel or drain, and such compensation if not agreed upon shall be settled by the superintendent of mines and be paid before such drain or tunnel is constructed.

42. Such drain or tunnel, when constructed, shall be deemed to be the property of the person or persons by whom it shall have been so constructed.

43. Every application for a grant shall state the names of the applicants, the nature and extent of the proposed drain or drains, the amount of toll (if any) to be charged, and the privileges sought to be acquired, and shall, save where the drain is intended only for the drainage of the claim of the person constructing the same, be accompanied by a deposit of \$25, which shall be refunded in case the application is refused, but not otherwise. Notice of the application shall be given and protests may be made in the same manner as provided in regard to bed-rock lumes.

44. The grant of the right of way to construct drains or tunnels shall be made in the Form L in the schedule hereto. The grant shall be registered by the grantee in the office of the agent, to whom he shall at the time pay a registration fee of \$5, or, if the grant gives power to collect tolls, a fee of \$10. An annual rent of \$10 shall be paid, in advance, by the said grantee for each quarter of a mile of right of way legally held by him, save where the drain shall be for the purpose of draining only the claim of the person constructing the same.

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V.—DITCHES.

45. The Minister of the Interior may, upon application hereinafter mentioned, grant to any person or persons, for any term not exceeding five years, or in special cases for such length of time as he may determine, the right to divert and use the water from any stream or lake, at any particular part thereof, and the right of way through and entry upon any mining ground, for the purpose of constructing ditches and flumes to convey such water; provided always, that every such grant shall be deemed as appurtenant to the mining claim in respect of which it has been obtained, or is required in connection with reduction works, sampling works, stamp mills, concentrating works, or other works connected with mining operations, and, whenever the claim shall have been worked out or abandoned, or whenever the occasion for the use of such water upon the claim or in connection with such works shall have permanently ceased, the grant shall cease and determine.

46. Twenty days' notice of the application shall be given, in accordance with Form M in the schedule to these regulations, by affixing the same to a post planted in some conspicuous part of the ground, and a copy thereof conspicuously posted upon the inner walls of the land office for the district, and any person may protest within such twenty days, but not afterwards, against such application being wholly or partially granted.

47. Every application for a grant of water exceeding 200 inches shall be accompanied by a deposit of \$25, which shall be refunded in case the application is refused, but not otherwise.

48. Every such application shall state the names of the applicants, the name or description of the stream or lake to be diverted, the quantity of water to be taken, the locality for its distribution, the price (if any) to be charged for the use of such water, and the time necessary for the completion of the ditch. The grant shall be in the Form N in the schedule hereto.

49. Every grant of a water privilege on occupied creeks shall be subject to the rights of such miners as shall, at the time of such grant, be working on the stream above or below the ditch head, and of any other persons lawfully using such water for any purpose whatsoever.

50. If, after the grant has been made, any miner or miners locate and *bonâ fide* work any mining claim below the ditch head, on any stream so diverted, he or they collectively shall be entitled to 40 inches of water if 200 inches be diverted, and 60 inches if 300 inches be diverted, and no more, except upon paying to the owner of the ditch, and all other persons interested therein, compensation equal to the amount of damage sustained by the diversion of such extra quantity of water as may be required; and, in computing such damage, the loss sustained by any claims using water therefrom, and all other reasonable losses, shall be considered.

51. No person shall be entitled to a grant of the water of any stream for the purpose of selling the water to present or future claim holders on any part of such stream. The Minister of the Interior may, however, grant such privileges as he may deem just, when such ditch is intended to work

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bench or hill claims fronting on any such stream, provided that the rights of miners then using the water so applied for be protected.

52. The Minister of the Interior may, on the report of the superintendent of mines that such action is desirable, order the enlargement or alteration of any ditch, and fix the compensation (if any) to be paid by parties to be benefitted thereby

53. Every owner of a ditch or water privilege shall take all reasonable means for utilizing the water granted to him; and, if he wilfully take and waste any unreasonable quantity of water, the Minister may, if such offence be persisted in, declare all rights to the water forfeited.

54. The owner of any ditch or water privilege may distribute the water to such persons and on such terms as he may deem advisable, within the limits mentioned in this grant; provided always, that such owner shall be bound to supply water to all miners who make application therefor in a fair proportion, and shall not demand more from one person than from another, except where the difficulty of supply is enhanced.

55. Any person desiring to bridge any stream, claim or other place, for any purpose, or to mine under or through any ditch or flume, or to carry water through or over any land already occupied, may, in proper cases, do so with the written sanction of the superintendent of mines. In all such cases the right of the party first in possession shall prevail, so as to entitle him to compensation if the same be just.

56. In measuring water in any ditch or sluice, the following rules shall be observed: The water taken into a ditch or sluice shall be measured at the ditch or sluice head: no water shall be taken into a ditch or sluice except in a trough placed horizontally at the place at which the water enters it, and which trough shall be extended two feet beyond the orifice for the discharge of the water: one inch of water shall mean the quantity that will pass through a rectangular orifice two inches high by half an inch wide, with a constant head of seven inches above the upper side of the orifice.

57. Whenever it shall be intended, in forming or upholding any ditch, to enter upon and occupy any part of an entered claim, or to dig or loosen any earth or rock, within four feet of any ditch not belonging solely to the registered owner of such claim, three days' notice, in writing, of such intention shall be given, before entering or approaching within four feet of such other property.

58. Any person engaged in the construction of any road or work may, with the sanction of the Minister of the Interior, cross, divert or otherwise interfere with any ditch, water privilege or other mining rights whatsoever, for such period as the Minister shall approve.

59. The Minister shall order what compensation for every such damage or interference shall be paid, and when, and to whom, and whether any and what works, damaged or affected by such interference as aforesaid, shall be replaced by flumes or otherwise repaired by the person or persons inflicting any such damage.

60. The owners of any ditch, water privilege, or mining right, shall, at their own expense, construct, secure, and maintain, all culverts, neces-

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sary for the passage of waste and superfluous water flowing through or over any such ditch, water privilege or right.

61. The owners of any ditch or water privilege shall construct and secure the same in a proper and substantial manner, and maintain the same in good repair to the satisfaction of the superintendent of mines, and so that no damage shall occur to any road or work in its vicinity from any part of the works of such ditch, water privilege, or right.

62. The owners of any ditch, water privilege or right, shall be liable, and shall make good, in such manner as the superintendent of mines shall determine, all damages which may be occasioned by or through any part of the works of such ditch, water privilege or right, breaking or being imperfect.

63. Nothing herein contained shall be construed to limit the right of the Lieutenant Governor of the North West Territories in Council, or of the proper authority in any Province containing Dominion lands to lay out, from time to time, public roads across, through, along, or under any ditch, water privilege or mining right, without compensation.

VI.—GENERAL PROVISIONS.

Interpretation.

64. In these regulations the following expressions shall have the following meanings respectively, unless inconsistent with the context :—

“Minister” shall mean the Minister of the Interior.

“Agent” or “local agent” shall mean the agent of Dominion lands for the district, or other officer appointed by the Government for the particular purpose referred to.

“Mineral” shall include all minerals whatsoever other than coal.

“Close season” shall mean the period of the year during which placer mining is generally suspended.

“Miner” shall mean a person holding a mining location or a grant for placer mining.

“Claim” shall mean the personal right of property in a placer mine or diggings during the time for which the grant of such mine or diggings is made.

“Claimant” shall mean a person who has obtained an entry for a mining location with a view to patent.

“Bar diggings” shall mean a mine over which a river extends when in its flooded state.

“Dry diggings” shall mean any mine over which a river never extends.

The mines on benches shall be known as “bench diggings,” and shall, for the purpose of defining the size of such claims, be excepted from “dry diggings.”

“Streams and ravines” shall include water-courses whether usually containing water or not, and all rivers, creeks and gulches.

“Ditch” shall include a flume or race, or other artificial means for conducting water by its own weight, to be used for mining purposes.

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"Ditch head" shall mean the point in a natural water-course or lake where water is first taken into a ditch.

"Placer mining" shall mean the working of all forms of deposits, excepting veins of quartz or other rock in place.

"Quartz mining" shall mean the working of veins of quartz or other rock in place.

"Location" shall mean the land entered by, or patented to, any person for the purpose of quartz mining.

Hearing and Decision of Disputes.

65. The superintendent of mines shall have power to hear and determine all disputes in regard to mining property arising within his district, subject to appeal by either of the parties to the Commissioner of Dominion Lands.

66. No particular forms of procedure shall be necessary, but the matter complained of must be properly expressed in writing, and a copy of the complaint shall be served on the opposite party not less than seven days before the hearing of the said complaint.

67. The complaint may, by leave of the superintendent of mines, be amended at any time before or during the proceedings.

68. The complainant shall, at the time of filing his complaint, deposit therewith a bond fee of \$20, which shall be returned to him if the complaint proves to have been well founded, and not otherwise, except for special cause, by direction of the Minister of the Interior.

69. In the event of the decision of the superintendent of mines being made the subject of an appeal to the Commissioner of Dominion Lands, the appellant shall, at the time of lodging the appeal, deposit with the agent a bond fee of \$20, which shall be returned to the said appellant if his appeal proves to have been well-founded, and not otherwise, except for special cause by direction of the Minister of the Interior.

70. The appeal must be in writing and must be lodged with the superintendent of mines not more than three days after his decision has been communicated in writing to all the parties interested, and must state the grounds upon which the said decision is appealed from.

71. If the Commissioner of Dominion Lands decides that it is necessary to a proper decision of the matter in issue to have an investigation on the ground, or, in case of disputed boundaries or measurements, to employ a surveyor to measure or survey the land in question, the expense of the inspection or re-measurement or re-survey, as the case may be, shall be borne by the litigants, who shall pay into the hands of the said commissioner, in equal parts, such sum as he may think sufficient for the same, before it takes place; otherwise it shall not proceed, and the party who refuses to pay such sum shall be adjudged in default. The said commissioner shall subsequently decide in what proportion the said expenses should be borne by the parties respectively, and the surplusage, if any, shall then be returned to parties as he may order.

72. All bond-fees adjudged as forfeited and all payments retained under the last preceding section, shall, as soon as decision has been rendered, and all entry and other fees or moneys shall, as soon as they

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have been received by him, be paid by the said agent or commissioner to the credit of the Receiver-General in the same manner as other moneys received by him on account of Dominion lands.

Leave of Absence.

73. The agent in each district shall, under instructions from the Minister of the Interior, declare the close season in his district.

74. Each holder of a mining location or of a grant for placer mining shall be entitled to be absent from his mining location or diggings and to suspend work thereon during the close season.

75. The agent shall have power to grant leave of absence to the holder of a mining location or grant for placer mining pending the decision of any dispute in which he is concerned under these regulations.

76. In cases where water is necessary to the continuance of mining operations, and the supply of water is insufficient, the superintendent of mines shall have power to grant leave of absence to the holder of the grant during such insufficiency, but no longer, except by permission of the Minister of the Interior.

77. Any miner or miners shall be entitled to leave of absence for one year from his or their diggings, upon proving to the satisfaction of the superintendent of mines that he or they has or have expended on such diggings, in cash, labor or machinery, an amount of not less than \$200 on each of such diggings without any return of gold or other minerals in reasonable quantities for such expenditure.

78. The time reasonably occupied by the locator of a claim in going to, and returning from, the office of the agent or superintendent of mines to enter his claim, or for other purposes prescribed by these regulations, shall not be counted against him, but he shall, in such cases, be deemed to be absent on leave.

Miscellaneous.

79. The Minister of the Interior shall, from time to time, as he may think fit, declare the boundaries of mineral and mining districts, and shall cause a description of the same to be published in the *Canada Gazette*.

80. The Minister of the Interior may direct mineral and mining locations to be laid out within such districts wherever, from report of the director of the Geological Survey, or from other information, he has reason to believe there are mineral deposits of economic value, and may sell the same to applicants therefor, who, in his opinion, are able and intend in good faith to work the same; or he may, from time to time, cause the said locations to be sold by public auction or tender. Such sales shall be for cash, and at prices in no case lower than those prescribed for locations sold to original discoverers, and shall otherwise be subject to all the provisions of these regulations.

81. The Minister of the Interior may grant to any person or persons who have a mining location and are actively developing the same, an additional location adjacent to and not exceeding it in area, provided the

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person or persons holding such location shall show to the satisfaction of the Minister of the Interior that the vein or lode being developed on the location will probably extend outside of either of the vertical lines forming the side boundaries of the location before it has reached the depth at which it cannot be profitably mined.

82. Persons desirous of obtaining quarries for stone on vacant Dominion lands may do so under these regulations; but the Minister of the Interior may require the payment of a royalty not exceeding five per cent. on account of the sales of the product of such quarries, or the land may be sold not subject to such royalty at such price as may be determined.

83. Returns shall be made by the grantee, sworn to by him, or by his agent or other employé in charge of the mine, at monthly or other such intervals as may be required by the Minister of the Interior, of all products of his mining location and of the price or amount he received for the same.

84. The Minister of the Interior shall have the power to summarily order any mining works to be so carried on as not to interfere with or endanger the safety of the public, any public work or highway, or any mining property, mineral lands, mining claims, bed-rock drains or flumes; and any abandoned works may, by his order, be either filled up or guarded to his satisfaction, at the cost of the parties who may have constructed the same, or in their absence upon such terms as he shall think fit.

85. The superintendent of mines, acting under instructions to be from time to time issued by the Minister of the Interior, shall cause to be laid out, at the expense of the person or persons applying for the same, a space of ground for deposits of leavings and deads from any tunnel, claim or mining ground.

Forfeiture.

86. In the event of the breach of these regulations, or any of them, by any person holding a grant for quartz or placer mining from the Crown other than Crown patents, or from the Minister of the Interior, or from any duly authorized officer of Dominion lands, such right or grant shall be absolutely forfeited *ipso facto*, and the person so offending shall be incapable thereafter of acquiring any such right or grant, unless for special cause it is otherwise decided by the Minister of the Interior.

SCHEDULE TO MINING REGULATIONS.

FORM A.—APPLICATION AND AFFIDAVIT OF DISCOVERER OF QUARTZ MINE.

I (or we) (A.B.) of hereby apply
under the Indian Lands Mining Regulations, for a mining location in
(here give general description of locality)
for the purpose of mining for
(here name the metal or mineral)
and I (or we) hereby solemnly swear:—

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1. That I (or we) have discovered therein a deposit of

(here name the metal or mineral).

2. That I (or we) am (or are) to the best of my (or our) knowledge and belief, the first discoverer of the said deposit.

3. That I (or we) am (or are) unaware that the land is other than vacant Dominion land.

4. That I (or we) did, on the _____ day of _____ mark out on the ground, in accordance in every particular with the provisions of sub-clause (a) of clause 4 of the said mining regulations, the location for which I (or we) make this application, and that in so doing I (or we) did not encroach on any mining location previously laid out by any other person.

5. That the said mining location contains, as nearly as I (or we) could measure or estimate, an area of _____ acres, and that the description (and sketch, if any), of this date hereto attached, signed by me (or us), set forth in detail to the best of my (or our) knowledge and ability its position, form and dimensions.

6. That I (or we) make this application in good faith to acquire the land for the sole purpose of mining to be prosecuted by myself (or us) or by myself and associates, or by my (or our) assigns.

Sworn before me at

this

day of

18

} (Signature.)

NOTE.—In case of abandoned ground it may be necessary to omit No. 2.

FORM B.—RECEIPT FOR FEE PAID BY APPLICANT FOR MINING LOCATION.

No.....

DEPARTMENT OF THE INTERIOR,

Dominion Lands Office,

Agency,

18 .

Received from _____ (A.B.) _____ of _____ five dollars, being the fee required by sub-section b, of clause four of the Dominion Mining Regulations, accompanying his (or their) application No. _____, dated _____ 18 _____, for a mining location in _____ (insert general description of locality).

This receipt authorizes the said _____ (A.B.) _____ his (or their) legal representatives or assigns, to enter into possession of the said mining location, and, subject to the payment of a fee of five dollars and the renewal of this form of receipt on or before the beginning of each year, during the term of five years from this date, to take therefrom and dispose of any mineral deposit contained within its boundaries, and, on due compliance at any time within that period with the several requirements in that behalf of the said mining regulations, entitles him or them to purchase the said location which, provisionally, and until survey thereof, may be known and described as follows: (insert description in detail).

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If the said (A.B.) or his (*or their*) legal representatives or assigns, fail to comply, as aforesaid, with the conditions that would entitle him or them to purchase within five years from this date, or, having so complied, do not within that time make payment in full for the land, and also pay the sum of fifty dollars prescribed in the said regulations for the survey of the location, then the right to purchase shall lapse and the mining location shall revert to the Crown, to be otherwise disposed of as may be directed by the Minister of the Interior.

Agent of Dominion Lands

FORM C.—RECEIPT FOR ANNUAL FEE FOR RENEWAL OF LOCATION
CERTIFICATE.

No.....

DEPARTMENT OF THE INTERIOR,
Dominion Lands Office,
Agency , 18 .

Received from (A.B.) of , five dollars, being the fee required by sub-sec. (c) sec. four of the Dominion Mining Regulations, accompanying his (*or their*) application No. , dated 18 , respecting the mining location described as follows: (*insert description in detail*) for which he (*or they*) obtained entry No. on the 18

From evidence furnished in support of the said application No. it would appear that (A.B.) his (*or their*) legal representatives or assigns, are entitled to continue in possession of the said mining location, and during the term of year from the 18 , to take therefrom or dispose of any mineral deposit contained within its boundaries, and, on due compliance at any time within that period with the several requirements in that behalf of the said mining regulations, to purchase the said location which, provisionally, and until survey thereof, may be known and described as above.

If the said (A.B.) or his (*or their*) legal representatives or assigns, fail to comply, as aforesaid, with the conditions that would entitle him or them to purchase within year from this date, or having so complied, do not within that time make payment in full for the land, and also pay the sum of fifty dollars prescribed in the said regulations for the survey of the location, then the right to purchase shall lapse, and the mining location shall revert to the Crown, to be otherwise disposed of as may be directed by the Minister of the Interior.

Agent of Dominion Lands.

Interior.

FORM D.—CERTIFICATE IN CASES OF PARTNERSHIP THAT ANNUAL EXPENDITURE MAY FOR FIRST TWO YEARS AFTER RECORDING CLAIMS BE MADE ON ANY ONE OF THE CLAIMS AFFECTED BY SUCH PARTNERSHIP.

No.....

DEPARTMENT OF THE INTERIOR,
Dominion Lands Office.

Agency, 18 .

This is to certify that in accordance with the provisions of sub-clause (d) of clause four of the Dominion Mining Regulations (A.B.) of who obtained entry No. for the mining location described as follows :

on the day of 18 , and (C.D.)
of who obtained entry No for the mining

location described as follows :

on the day of 18 , and (E.F.)
of who obtained entry No for the mining

location described as follows :

on the day of 18 , and (G.H.)
of who obtained entry No for the mining

location described as follows :

on the day of 18 , having complied with the conditions required by said sub-clause (d) in so far that they have filed a certificate of a partnership entered into at at dated the day of 18 , and all their claims having been entered within three months of each other, and numbered in this office as No.

(or if incorporated have filed the documents required) may make within one year from this date the annual expenditure required by each on any one of the mining locations aforementioned, amounting to dollars, this being the amount under said regulations required to be expended within the first and second years after said claims were located.

Agent of Dominion Lands.

FORM E.—RECEIPT TO BE GIVEN FOR FEE PAID IN CASE OF PARTNERSHIP.

DEPARTMENT OF THE INTERIOR,
Dominion Lands Office,

Agency, 18 ,

Received from (A.B.) of five dollars being the fee required by sub-clause (d) of clause 4, of the Dominion mining regulations accompanying his (or their) application No. dated 18 , respecting the mining location described as follows : (insert description in detail) for which he (or they) obtained entry No. , on the day of 18 .

From evidence furnished by the said application No. it would appear that (A.B.) his (or their) legal representatives or assigns are entitled to continue in possession of the said mining location, and, during the term of year from the 18 , to take therefrom and dispose of any mineral deposit contained within its boundaries,

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and, on due compliance at any time within that period with the several requirements in that behalf of the said mining regulations, are entitled to purchase the said location which, provisionally and until survey thereof, may be known and described as above.

If the said (A.B.) or his (or their) legal representatives or assigns, fail to comply, as aforesaid, with the conditions that would entitle him or them to purchase within year from this date, or, having so complied, do not within that time make payment in full for the land, and also pay the sum of fifty dollars prescribed in the said regulations for the survey of the location, then the right to purchase shall lapse, and the mining location shall revert to the Crown, to be otherwise disposed of as may be directed by the Minister of the Interior.

The said (A.B.) and the foregoing mining location are those recited in No. Form D, dated at , the day of , 18 .

Agent of Dominion Lands.

FORM F. - PATENT OF A MINING LOCATION.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith—To all to whom these presents shall come, Greeting:

Know ye that we do by these presents, for us, our heirs and successors, in consideration of (the fulfilment of the Dominion mining regulations of our Dominion of Canada) give and grant unto heirs and assigns, all that parcel or lot of land situate and numbered on the official plan of survey of the said to have and to hold the said parcel of land, and all minerals, precious and base, which may be found therein, unto the said heirs and assigns forever;

Provided that it shall, at all times, be lawful for us, our heirs and successors, or any person by our authority, to resume any portion (not exceeding one-twentieth part) of the said lands for making roads, canals, bridges, towing paths, or other works of public utility or convenience, but no such resumption shall be made of land on which any permanent buildings may have been erected, without compensation;

Provided also, that it shall be lawful for any person duly authorized by us, our heirs and successors, to take and occupy such water privileges, and to have and enjoy such right of carrying water over, through or under any parts of the hereditaments hereby granted as may be reasonably required for agricultural or other purposes in the vicinity of the said land, upon paying therefor a reasonable compensation to the aforesaid heirs and assigns.

ORDERS IN COUNCIL, &c.

Interior.

FORM G.—CERTIFICATE OF THE ASSIGNMENT OF A MINING LOCATION.

No.....

DEPARTMENT OF THE INTERIOR,
Dominion Lands Office,
Agency, 18 .

This is to certify that (B.C.) of has (or have) filed an assignment in due form, dated 18 , and accompanied by a registration fee of two dollars, of the right of (A.B.) of to purchase the mining location in (here insert general description of locality) applied for by the said (A.B.) on the 18 .

This certificate entitles the said (B.C.), or his (or their) legal representatives or assigns, to all the rights and privileges of the said (A.B.), in respect of the claim assigned and hereinafter described; that is to say, to enter into possession of the said mining location, and during the term of year from the date of the receipt No. , granted to the said (A.B.), dated the day of 18 , to take therefrom and dispose of any mineral deposit contained within its boundaries, and on due compliance at any time within that period with the several requirements in that behalf of the Dominion mining regulations, entitles him or them to purchase the said location, which, provisionally, and until survey thereof, may be known and described as follows:—(*Insert description in detail*).

If the said (B.C.), or his (or their) legal representatives or assigns, fail to comply as aforesaid with the conditions that would entitle him (or them) to purchase within one year of the date of the receipt granted to (A.B.), and now deposited with me, or having so complied, do not within that time make payment in full for the land, and also pay the sum of fifty dollars prescribed in the said regulations for the survey of the location, then the right to purchase shall lapse, and the mining location shall revert to the Crown, to be otherwise disposed of as may be directed by the Minister of the Interior.

Agent of Dominion Lands.

FORM H.—APPLICATION FOR GRANT FOR PLACER MINING AND AFFIDAVIT OF APPLICANT.

I (or we) of , hereby apply, under the Dominion mining regulations, for a grant of a claim for placer mining, as defined in the said regulations, in

(here describe locality)

and I (or we) solemnly swear:

1. That I (or we) have discovered therein a deposit of (here name the metal or mineral).

2. That I (or we) am (or are) to the best of my (or our) knowledge and belief, the first discoverer of the said deposits; or—

(2. That the said claim was previously granted to (here name the last grantee), but has remained unworked by the said grantee for not less than .

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3. That I (or we) am (or are) unaware that the land is other than vacant Dominion land.

4. That I (or we) did, on the _____ day of _____, mark out on the ground, in accordance, in every particular, with the provisions of sub-section *e* of clause eighteen of the said mining regulations, the claim for which I (or we) make this application, and that in so doing I (or we) did not encroach on any other claim or mining location previously laid out by any other person.

5 That the said claim contains, as nearly as I (or we) could measure or estimate, an area of _____ square feet, and that the description (and sketch, *if any*) of this date hereto attached, signed by me (or us), set forth in detail, to the best of my (or our) knowledge and ability, its position, form and dimensions.

6. That I (or we) make this application in good faith to acquire the claim for the sole purpose of mining to be prosecuted by myself (or us), or by myself and associates, or by my (or our) assigns.

Sworn before me at

this
18

day of

} (Signature.)

FORM I.—GRANT FOR PLACER MINING.

No.....

DEPARTMENT OF THE INTERIOR,
Dominion Lands Office,
Agency, 18 .

In consideration of the payment of five dollars, being the fee required by the provisions of the Dominion mining regulations, clauses four and twenty, by _____ (A.B.), of _____ accompanying his (or their) application No. _____, dated 18 _____, for a mining claim in (*here insert description of locality.*)

The Minister of the Interior hereby grants to the said _____ (A.B.) _____, for the term of one year from the date hereof, the exclusive right of entry upon the claim _____ (*here describe in detail the claim granted*) _____ for the miner-like working thereof and the construction of a residence thereon, and the exclusive right to all the proceeds realized therefrom.

The said _____ (A. B.) shall be entitled to the use of so much of the water naturally flowing through or past his claim, and not already lawfully appropriated, as shall be necessary for the due working thereof, and to drain his claim free of charge.

This grant does not convey to the said _____ (A. B.) any surface rights in the said claim, or any right of ownership in the soil covered by the said claim; and the said grant shall lapse and be forfeited unless the claim is continuously and in good faith worked by the said _____ (A. B.) or his associates.

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The rights hereby granted are those laid down in the aforesaid mining regulations, and no more, and are subject to all the provisions of the said regulations, whether the same are expressed herein or not.

Agent of Dominion Lands.

FORM J.—CERTIFICATE OF THE ASSIGNMENT OF A PLACER MINING CLAIM.
No.....

DEPARTMENT OF THE INTERIOR,
Dominion Lands Office,
Agency, 18 .

This is to certify that (B. C.) of 18 , has filed an assignment in due form, dated 18 , and accompanied by a registration fee of two dollars, of the grant to (A. B.) of the right to mine in (*insert description of claim*) for one year from the 18 .

This certificate entitles the said (B.C) to all the rights and privileges of the said (A.B.) in respect of the claim assigned, that is to say, to the exclusive right of entry upon the said claim for the miner-like working thereof, and the construction of a residence thereon, and the exclusive right to all the proceeds realized therefrom, for the remaining portion of the year for which the said claim was granted to the said (A.B.) , that is to say, until the day of 18 .

The said (B.C.) shall be entitled to the use of so much of the water naturally flowing through or past his claim and not already lawfully appropriated as shall be necessary for the due working thereof, and to drain his claim free of charge.

This grant does not convey to the said (B.C.) any surface rights in the said claim, or any right of ownership in the soil covered by the said claim ; and the said grant shall lapse and be forfeited unless the claim is continuously and in good faith worked by the said (B.C.) or his associates.

The rights hereby granted are those laid down in the Dominion mining regulations, and no more, and are subject to all the provisions of the said regulations, whether the same are expressed herein or not.

Agent of Dominion Lands.

FORM K —GRANT TO A BED-ROCK FLUME COMPANY.

No.....

DEPARTMENT OF THE INTERIOR,
Dominion Lands Office,
Agency, 18 .

In consideration of the payment of a deposit of one hundred dollars, required by clause thirty-four of Dominion mining regulations to be

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made with the application of a Bed-Rock Flume Company, and of the further sum of ten dollars, being the fee for registration of this grant required by clause thirty-nine of the said regulations.

The Minister of the Interior hereby grants to (*names of members of company*) forming together a Bed-Rock Flume Company [known as the (*title of company*)], the following rights and privileges, that is to say:—

(a.) The rights of way through and entry upon any new and unworked river, creek, gulch or ravine, and the exclusive right to locate and work a strip of ground one hundred feet wide and two hundred feet long in the bed thereof to each individual of the company ;

(b.) The rights of way through and entry upon any river, creek, gulch or ravine worked by miners for any period longer than two years prior to such entry, and already wholly or partially abandoned, and the exclusive right to stake out and work both the unworked and abandoned portions thereof, one hundred feet in width, and one quarter of a mile in length for each individual of the company ;

(c.) The rights of way through and entry upon all claims, which at the time of the notice of application, are in good faith being worked, for the purpose of cutting a channel and laying their flume therein, with such reasonable space for constructing, maintaining and repairing the flume as may be necessary ;

(d.) The use of so much of the unappropriated water of the stream on which they may be located, and of other adjacent streams, as may be necessary for the use of their flumes, hydraulic power, and machinery to carry on their operations and the right of way for ditches and flumes to convey the necessary water to their works, subject to the payment of any damage which may be done to other parties by running such ditch or flume through or over their ground ;

Provided, that the rights herein granted shall apply only to such claims and streams as are here specified : (*insert description of claims and streams*) and such other claims and streams as may after due notice and application, be subsequently added to the above list by the Minister of the Interior, under the hand of the local agent ;

Provided also, that the said company shall pay to the local agent, in advance, an annual rent of ten dollars for each quarter of a mile of right of way legally held by them ;

Provided, further, that this grant is subject to all the provisions of the Dominion mining regulations in that behalf, whether the same are expressed herein or not.

This grant shall cease and determine at the expiration of years from the date hereof.

Agent of Dominion Lands.

Interior.

FORM L.—GRANT FOR DRAINAGE.

No.....

DEPARTMENT OF THE INTERIOR,
Dominion Lands Office,
Agency, , 18 .

In consideration of the payment of a deposit of twenty-five dollars required by clause forty-three of the Dominion Mining Regulations to be made with the application for a grant of right of way to construct drains, and of the further sum of dollars, being the fee for the registration of this grant required by clause forty-four of the said regulations :

The Minister of the Interior hereby grants to

(name or names of grantee or grantees) the right to run a drain or tunnel for drainage purposes through the occupied mining lands here specified *(here describe mining lands)* and further, for a term of from the date hereof, exclusive rights of way through and entry upon the following mining grounds: *(here insert description)* for the purpose of constructing a drain or drains for the drainage thereof; and the right to charge the following tolls for the use thereof: *(insert tariff of tolls);*

Provided, that the grantee *(or grantees)* shall construct such drain or drains of sufficient size to meet all requirements within from the date hereof, and keep the same in thorough working order and repair, and free from all obstructions; and shall, within a reasonable time, construct proper tap drains from or into any adjacent claims, upon being requested by the owners thereof, and in default thereof shall permit such parties to make them themselves, in which case such parties shall only be chargeable with one-half the rates of drainage toll herein authorized;

Provided, also, that the said grantee *(or grantees)* shall compensate the owners of lands or holders of claims entered upon by for any damage they may sustain by the construction of such tunnel or drain;

Provided, further, that the said grantee *(or grantees)* shall pay to the local agent, in advance, an annual rent of ten dollars for each quarter of a mile of right of way legally held by ;

Provided, further, that this grant is subject to all the provisions of the Dominion mining regulations in that behalf, whether the same are expressed herein or not.

Agent of Dominion Lands.

FORM M.—NOTICE OF APPLICATION TO USE AND DIVERT WATER.

Notice is hereby given, in pursuance of the provisions of the Dominion mining regulations, that I *(or we)* at the expiration of twenty days from the date thereof, intend to apply to the Minister of the Interior of Canada, for authority to take, carry away, and divert to my *(or our)* mining claim or from its natural channel, inches of the unentered and unappropriated water of

Interior.

the (*stream or lake*) known as _____ for _____ purposes,
 during the term of _____ years from the date of entry, with the
 object of _____ Such diversion will be
 made at a point situate on the _____ end or side of the said (*stream
 or lake*), marked on the ground by a conspicuous post; and it is intended
 that such water shall be carried in and through a (*ditch, or flume, or both*),
 in a _____ direction over the lands of _____
 as indicated by like conspicuous posts planted about every quarter of a
 mile along the proposed location of the (*ditch, or flume, or both*).
 (Signed) _____

Dated the _____ day of _____, 18 . _____

 Post Office Address.

FORM N.—NOTICE OF RIGHT TO DIVERT WATER AND CONSTRUCT DITCHES.
 No.....

DEPARTMENT OF THE INTERIOR,
 Dominion Lands Office,
 Agency, _____ 18 .

In consideration of the payment of a deposit of twenty-five dollars,
 required by clause forty-seven of the Dominion mining regulations to be
 made with the application for the right to divert water and construct
 ditches,

The Minister of the Interior hereby grants to _____ (A.B.)
 _____, for the term of _____ years from the date hereof, the
 right to divert and use the water from _____ (*specify stream or lake*)
 to the extent of _____ inches, and no more, to be distributed as
 follows:— (*describe locality of distribution*) _____ together with
 the right to charge the following rates for the use of the said water:—
 (*insert rates to be charged*) _____ and the rights of way through and
 entry upon the following mining grounds _____ (*insert description*)
 for the purpose of constructing ditches and flumes to convey
 such water, provided such ditches and flumes are constructed and in
 working order within _____ from the date hereof;

Provided that this grant shall be deemed to be appurtenant to mining
 claim No. _____, and shall cease and determine whenever the said claim
 shall have been worked out or abandoned, or the occasion for the use of
 such water upon the said claim shall have permanently ceased.

Provided, also, that this grant is subject to all the provisions of the
 Dominion mining regulations in that behalf, whether the same are
 expressed herein or not.

Agent of Dominion Lands.

Vide Canada Gazette, Vol. XXI, p. 792.

Justice.

Justice.

By an Order in Council bearing date Saturday, 23rd day of July, 1887, under the authority of Chapter 113 of the Revised Statutes of Canada "The Naturalization Act," the regulations made under the authority of "The Naturalization Act, Canada, 1881," approved by His Excellency the Governor General in Council on the 19th day of December, 1883, were amended as follows :—

Firstly. That the words "Naturalization Act" be substituted for the words "The Naturalization Act, Canada, 1881," wherever the latter words occur in such regulations.

Secondly. That the second paragraph of the regulations be rescinded and the following be substituted therefor :—

"(2.) In the North-West Territories the certificate mentioned in the twelfth section of "The Naturalization Act," shall be presented to a judge of the Supreme Court of the North-West Territories, who shall take such measures to satisfy himself that the facts stated in the certificate are true as shall in each case appear to him to be necessary, and when satisfied that the facts stated in the certificate are true, he shall grant to the alien a certificate of naturalization authenticated under his hand and the seal of the court.

Each judge of the Supreme Court shall cause to be kept by the clerk of the court a record of the certificates presented to and filed with him.

Also a record of all certificates of naturalization granted by him, of which such judge or clerk is hereby authorized at any time to give a certified copy.

The oaths mentioned in sections 41 and 42 of "The Naturalization Act" shall, if the person taking them resides in the North-West Territories, be filed of record with a clerk of the Supreme Court of the North-West Territories.

Vide Canada Gazette, Vol. XXI, p. 218.

By an Order in Council bearing date Thursday, 30th June, 1887, under the provisions of the 9th section of the Act 50-51 Victoria, Chapter 52, intituled : "An Act to amend the Penitentiary Act," the Order in Council of the 12th April, 1887, respecting the salaries of the officers of the several penitentiaries, their houses and quarters, their uniforms and the sale of articles to them and work to be done for them in the shops and their perquisites was cancelled :—

And the following regulations were adopted and prescribed as the rules in the future to be followed in respect to the matters referred to :—

RULES RESPECTING THE SALARIES AND ALLOWANCES OF PENITENTIARY OFFICERS.

1. In these rules and the schedules thereto :—

(a.) The expression "The Minister" means the Minister of Justice ;

(b.) The expression "The Inspector" means the Inspector of Penitentiaries ;

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(c) The expression "The Warden" means the Warden of the Penitentiary over which he presides ;

(d.) The expression "officer" means and includes any officer or employe of any of the classes mentioned in the schedule to an Act passed in the Session held in 1887, intituled : "An Act to amend the Penitentiary Act ;"

(e.) The expression "Trade Instructors" includes bakers, blacksmiths, carpenters, masons, millers, shoemakers, stone-cutters, tailors, and persons employed to direct and instruct convicts in any branch of labor.

Salaries.

2. Each warden shall, on or before the 1st day of June in each year, transmit to the inspector, for the information of the Minister, a report showing the officers under him who are eligible for such yearly increases, and giving in each case his own opinion as to whether or not such increase should be given and the reasons therefor.

3. The inspector shall, on receipt of any such report, transmit the same to the Minister, with a memorandum showing whether he concurs or not in the recommendations of the warden. He shall also express his views as to whether or not the warden should be given any increase for which he is eligible.

Residences and Grounds.

4. An officer occupying any house or quarters, the property of and provided for him by Government, shall, during the will of the Minister, occupy the same with any grounds attached, free of rent.

5. No officer shall, at any time, have any claim to or be made any allowance in lieu of such free house or quarters.

6. The Government will keep such houses and quarters in repair, but if at any time the need of such repairs shall be occasioned by the negligence or fault of the officer so occupying such house or quarters, or of any member of his family, the cost thereof may be charged to such officer and deducted from his salary.

7. The Government will not in future, in whole or in part, furnish any house or quarters for occupation by any officer.

8. Any officer occupying any house or quarters lighted by gas from a supply common to the penitentiary shall pay for the gas consumed by him at a fair price to be fixed by the Minister, and a meter shall be used to indicate the quantity of gas so consumed by such officer.

9. Any officer occupying any house or quarters heated by a system common to the penitentiary, shall pay for such heating a fair price to be fixed by the Minister.

10. The grounds or gardens attached to the residence or quarters of a warden or deputy warden may be kept in order and cultivated by convict labor, but otherwise no convict labor shall be employed in keeping in order or cultivating any grounds occupied by any officer.

11. Each officer shall be entitled to everything grown upon the grounds attached to his house or quarters.

Justice.

Officers' Uniform Clothing.

12. Each officer who wears uniform shall be allowed uniform clothing as follows:—

(a.) One fine blue cloth dress suit every four years, consisting of fine blue cloth cap, frock coat, waistcoat and trousers;

(b.) One winter suit every year, consisting of pilot cloth pea jacket, waistcoat and trousers;

(c.) One summer suit every year, consisting of blue serge or Halifax tweed, pea jacket, waistcoat and trousers;

(d.) A frieze overcoat every three years;

(e.) A pair of French kip boots for winter and a pair of shoes for summer, every year;

(f.) A fur cap every four years;

(g.) A cloth cap every year.

13. The warden may allow any officer whose conduct has been good and is about to retire from the service, to take away with him his dress suit, if it has been in use eighteen months, and his winter or his summer suit, if it has been in use six months.

Sale of Articles to Officers.

14. The warden may, if he sees fit so to do, sell at a fair price, to any officer, for his own use only, any article manufactured in the penitentiary shops, or grown upon the penitentiary property, but not any other article the property of the penitentiary.

15. The warden may, if he sees fit so to do, allow any officer, for his own use only, at a fair value, to have any work done for him in the penitentiary shops.

16. Nothing shall be so sold, and no work shall be so done:—

(a.) Without an application in writing by the officer, stating that the article sought to be purchased, or the work to be done, is for his own use only; and—

(b.) Without a proper requisition, duly signed by the proper officers, according to the penitentiary rules in other cases in force.

17. Subject to revision as hereinafter provided, the fair price or value of any article sold or work done for the warden shall be fixed by the deputy warden and accountant jointly, and in other cases by the warden.

18. Any officer signing a false application shall be dismissed.

19. An accurate account shall be kept of all articles sold to any officer, or work done for him, and the price or value thereof, and a statement thereof, in such form and verified in such manner as the Minister from time to time prescribes, shall each month be sent to the accountant of penitentiaries, who may, under directions from the Minister, revise any such statement, and direct the warden to charge against and collect from any officer any amount short charged either by mistake or under-valuation.

20. Any article so sold or work so done shall be paid for in cash on or before the last day of the month in which it is delivered or finished.

Justice.

21. No officer who is in arrears in respect of an article so sold to him, or work so done for him, shall be paid his monthly salary until such arrears are discharged by payment.

General.

22. No officer shall, for any service or work in any manner or under any circumstances, done either under the direction of the Department of Justice or the Department of Public Works, for or in respect of the penitentiary at which he is employed, be paid any salary or emolument in addition to that hereby prescribed, and for such salary the warden may exact any service for which by reason of his office or qualifications such officer is fitted

Vide Canada Gazette, Vol. XXI, p. 302.

By an Order in Council bearing date the 7th July, 1886, under the authority of the ninth section of the North-West Territories Act, 1880 (43 Victoria, Chapter 25), the Lieutenant Governor in Council of the North-West Territories, or the Lieutenant Governor, by and with the advice and consent of the Legislative Assembly of the North-West Territories, as the case may be, was empowered, in addition to the powers already conferred on the Lieutenant Governor in Council, as by and with such advice and consent, to make ordinances in relation to the following subjects, that is to say :—

1. Direct taxation, within the territory in order to the raising of a revenue for territorial (including municipal) purposes.

2. The incorporation of companies with territorial objects, with the following exceptions:

(a.) Such companies as cannot be incorporated by a Provincial Legislature.

(b.) Railway, tramway, steamboat, canal transportation, telegraph and telephone companies.

(c.) Insurance companies.

Vide Canada Gazette, Vol. XXI, p. 607.

By a proclamation bearing date the 28th September, 1887, the Parliament of Canada, passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chaptered fifty and intituled "An Act to amend the law respecting Procedure in Criminal Cases," the first and second sections of the Act were declared to come into force upon the first day of October, in the year of our Lord one thousand eight hundred and eighty-seven.

Vide Canada Gazette, Vol. XXI, p. 686.

By a proclamation bearing date the 1st day of October, 1887, the Act of the Parliament of Canada passed in the fiftieth and fifty-first years of Her Majesty's reign, chaptered sixteen and intituled: "An Act to amend 'The Supreme and Exchequer Courts Act' and to make better provision

Justice.

for the trial of claims against the Crown" was declared to have force and effect upon, from and after the first day of October, in the year of our Lord one thousand eight hundred and eighty-seven.

Vide Canada Gazette, Vol. XXI, p. 730.

GENERAL ORDER OF THE EXCHEQUER COURT.

In pursuance of the provisions contained in the 55th section of the Act 50-51 Victoria, Chapter 16, intituled: "An Act to amend the Supreme and Exchequer Courts Act, and to make better provision for the trial of claims against the Crown," and of the 13th section of "The Expropriation Act," it is ordered that the following rules in respect of the matters hereinafter mentioned shall be in force in the Exchequer Court of Canada.

Reference of Claim by Head of Department.

1. Whenever a claim is referred to the court by the head of any department of the Government of Canada, the claimant shall file with the registrar a statement of his claim, and shall leave, at the office of Her Majesty's Attorney General of Canada, a copy thereof with an indorsement thereon in the Form A in the schedule hereto; and the pleadings and procedure subsequent thereto shall be regulated by and conform, as near as may be, to the mode of pleading and procedure in proceedings against the Crown by petition of right.

Expropriation.

2. Whenever under section twelve of "The Expropriation Act," any Minister gives to the registrar any notice therein provided for, the registrar shall cause to be inserted, once each week during four consecutive weeks, in the *Canada Gazette* and in a newspaper, if there is any published in the district or county in which the land or property is situate, a notice in one of the Forms B, C, or D, in the schedule hereto, or to the like effect, according to the circumstances of the case.

3. Every person claiming to be interested in the land or property, or entitled to the compensation money, or any part thereof, mentioned in any such notice, shall, on or before the day named in such notice, file with the registrar a statement of his claim, and shall leave at the office of Her Majesty's Attorney-General a copy thereof, with an indorsement thereon in the Form A in the schedule hereto, and the pleadings and procedure subsequent thereto shall be regulated by and conform, as near as may be, to the mode of pleading and procedure in proceedings against the Crown by petition of right.

Motion for Judgment by Default.

4. A motion for judgment by default, pursuant to rules 80 or 81 of the Exchequer Court, may be made *ex parte* if a copy of the information or statement of claim with an indorsement as provided by rule 14 of the Exchequer Court is served personally upon the defendant.

Justice.

Discovery of Documents.

5. Rule 95 of the Exchequer Court is repealed and the following rule substituted therefor:—

95 The Attorney General, plaintiff or petitioner, after the time for delivering the defence has expired, and any party after the defence is delivered, may obtain an order, of course, upon *præcipe*, directing any other party, or any officer of the Crown to make discovery on oath of the documents which are or have been in his possession or power relating to any matter in question in the action.

Matters Pending before the Official Arbitrators.

6. Unless it is otherwise specially ordered any matter pending before the official arbitrators when the Act first herein mentioned came into force which had then been heard or partly heard, or which has since been heard, by them, shall be continued before them as official referees, and their report thereon shall be made to the court in like manner as if such matter had been by the court referred to them under the twenty-sixth section of the said Act.

7. The 255th rule of the Exchequer Court respecting the enlargement or abridgement of time shall apply to the doing of any act or the taking of any proceeding hereunder.

Dated this seventh day of March, 1888.

(Signed) GEO. W. BURBIDGE, J.

SCHEDULE.

FORM A.

The claimant prays for a statement in defence on behalf of Her Majesty within four weeks after the date of service hereof, or otherwise that the statement of claim may be taken as confessed.

FORM B.

(WHERE LANDS ARE TAKEN.)

IN THE EXCHEQUER COURT OF CANADA.

In the matter of "The Expropriation Act."

And in the matter of certain parcels or tracts of land hereinafter described:—

Public notice is hereby given that there has been lodged in the office of the registrar of the Exchequer Court of Canada on the

a notice to the said registrar by the Minister of
for Canada, stating his readiness to pay over to the persons entitled thereto,

Justice.

the sum of _____ which, in his opinion, is sufficient compensation for the land or property expropriated for the purposes of

(*short description of public work*)

and described as follows, that is to say :—

(*description of lands expropriated.*)

That Her Majesty has acquired title to the land or property hereinbefore described under Chapter thirty-nine of the Revised States of Canada, respecting the Expropriation of Lands, as amended by the Act 50-51 Victoria, Chapter 17, intituled: "An Act to amend the Revised Statutes, Chapter thirty-nine, respecting the Expropriation of Lands."

In consequence, all persons entitled to the said hereinbefore described land or property or any part thereof, or representing or being the husbands of any persons so entitled, or claiming to hold or represent incumbrances thereon or interests therein, are called upon to file, in the office of the registrar of the Exchequer Court of Canada, their claims or oppositions, on or before the _____ day of _____ (*any day subsequent to the last insertion of the notice in the discretion of the registrar*) and are notified that such claims or oppositions will be received and adjudged upon by this court, and that the proceedings herein will forever bar all claims to the compensation money, or any part thereof, including any claim in respect of dower, or of dower not yet open, as well as in respect of all mortgages, hypothecs or incumbrances upon the said land or property.

Dated at Ottawa this _____ day of _____ A.D. 18 ____.

Registrar.

FORM C.

(WHERE LANDS ARE TAKEN AND OTHERS INJURIOUSLY AFFECTED.)
IN THE EXCHEQUER COURT OF CANADA.

In the matter of "The Expropriation Act."

And in the matter of certain parcels of tracts of land hereinafter described :—

Public notice is hereby given that there has been lodged in the office of the registrar of the Exchequer Court of Canada, on the _____ for Canada, a notice to the said registrar by the Minister of _____ stating his readiness to pay over to the persons entitled thereto, the sum of _____ which in his opinion, is sufficient compensation for the land or property expropriated for the purposes of (*short description of the public work*) and described as follows, that is to say :—

(*description of the lands expropriated.*)

And also for all damages which it is alleged such persons have sustained or may hereafter sustain by the construction of the said _____ having seriously affected certain other land or property of such persons, that is to say : (*description of lands injuriously affected.*)

Justice, &c.

proceedings herein will forever bar all claims to the compensation money, or any part thereof, including any claim in respect of dower, or of dower not yet open, as well as in respect of all mortgages, hypothecs or incumbrances upon the said land or property.

Dated at Ottawa this

day of

A.D. 18 .

Registrar.

Vide Canada Gazette, Vol. XXI, p. 2095.

By an Order in Council bearing date Thursday, 19th day of April, 1888, an Act passed by the Lieutenant Governor of the Province of British Columbia, with the Legislative Assembly of that Province, on the 7th day of April, 1887, chaptered 7, and intituled: "An Act to establish a Court of Appeal from the Summary Decisions of Magistrates," was disallowed.

Vide Canada Gazette, Vol. XXI, p. 2273.

Marine.

At a meeting of the Commissioners of Pilots, being the Pilotage Authority for the Pilotage District of "Victoria and Esquimalt, and such other waters as are not included in the Electoral Districts of Yale and New Westminster, the port of Nanaimo and other ports in the Island of Vancouver," held in the city of Victoria, Province of British Columbia, in the Dominion of Canada, on the seventh and ninth days of December, A.D. 1886, the following amendments and additions to the by-laws respecting pilotage for the said district were adopted, and approved by His Excellency in Council on the 13th, June 1887:

Resolved,—That in the interests of trade and navigation of this pilotage district, and in view of the fact that pilots are now only required to pilot the mail steamers from the limits prescribed in clause IV of section 17 of the by-laws, 1883, to the outer wharf of Victoria Harbor, thus being relieved of the responsibility incident to piloting them through the tortuous channel leading to the inner harbor (clause K, section 18), that steamers making regular trips to Victoria and Esquimalt and carrying Her Majesty's Mails (under clause IV of the Terms of Union) between San Francisco and said ports, shall only pay \$3 per foot for services tendered or rendered on the inward voyage (i.e. \$1.50 per foot into and \$1.50 per foot out of either harbor), that pilots for said remuneration will only be expected to tender such service at or about a line drawn from Williams Head to Trial Island, bearing N. E. and S. W. magnetic; that clause J be amended by striking out the figures and words "\$3 per foot into and out of either harbor" and substituting in lieu thereof the words "the prescribed rates under clause K," of the hereinbefore referred section

Marine.

18 of the by-laws; that clause or section 14, making the registered ownership of three tons in a licensed pilot vessel compulsory, be and the same is hereby suspended.

Vide Canada Gazette, Vol. XXI, p. 91.

RULES AND REGULATIONS

For the government of the public wharf at the place called the "Cascades," in the County of Vaudreuil, Province of Quebec, with tariff of tolls leviable thereat, in accordance with the provisions of the Act 49 Vic., chap. 84, Revised Statutes, approved by His Excellency in Council, 30th June, 1887.

RULE I.—That no waggon or other vehicle shall drive along the docks or across the same, unless for the purpose of loading or unloading vessels.

RULE II.—That no lumber, lath, salt or other material shall be piled in or near the snubbing posts in such a manner that a vessel cannot be made fast.

RULE III.—That masters of vessels or other persons in charge of vessels or rafts, shall make a faithful report of the cargo, as to quantity and description, to the wharfinger at his office, and any master or person in charge of any vessel or raft neglecting to so report and pay the tolls and dues (except by permission of the wharfinger) shall be liable to have the vessel or raft of which he may be in charge, or of which he is master, seized and detained then or at any future time until such tolls and dues are paid both on cargo and vessel, and the master, owner or person shall also be liable to the penalty provided by law.

RULE IV.—That any master or person in charge of any vessel or raft making a false report of cargo shall be liable to fine and imprisonment for each and every false report, and the vessel or raft shall be liable to detention then or at any future time until such dues are paid and satisfied, and if any master or person in charge of any vessel neglects to report her cargo, such vessel or the owner thereof shall be liable for the tolls on such cargo at any future time, and the master thereof shall be liable to fine or imprisonment. The master or person in charge of any vessel or raft shall report and pay the tolls to the wharfinger at his office.

RULE V.—That no person shall remove any goods, chattels, merchandise or material of any description from the wharf and docks on which the tolls and dues have not been paid, without the permission of the wharfinger.

RULE VI.—That no person shall throw overboard or discharge any ballast, refuse or rubbish of any description into the docks or upon the wharf.

RULE VII.—That all lumber, shingles, lath, salt, or any goods or merchandise, or material of any kind whatsoever, having been landed, piled or placed on the harbor property for shipment shall be liable to harbor tolls, whether afterwards shipped or not, the fact of any having been landed, piled or placed on any part of the harbor property shall be presumptive evidence that the owner intended to ship it, and said lumber, timber, salt, &c., shall in consequence be liable to pay the usual tolls, although afterwards removed by teams or otherwise, and shall likewise be

Marine.

liable to all the previous conditions as to removal and ground rent and sales as hereinafter provided.

RULE VIII.—That no person shall ride or drive a horse or horses faster than at a walk on the wharf or harbor quay.

RULE IX.—That no lumber, timber, shingles, lath, pickets, ties, cedar posts or poles, cordwood, stone, plaster stone, coal, salt or other goods or materials of whatsoever nature or kind shall be landed or placed in or upon any of the wharves, piers and lands of the harbor, unless by permission of the wharfinger, and then only on such portions of the harbor property as may be allotted to them for the time being, and shall be so landed and placed in such a manner as the wharfinger may direct; and goods, merchandise, lumber, salt or other material landed or placed on the harbor property shall be shipped or removed within forty-eight hours, and in default of so shipping or removing said goods, lumber, salt or other material, it may be removed at the direction of the wharfinger, and the expense of such removal shall be a lien upon such property so removed; it shall also pay a rental of not more than one dollar for every succeeding forty-eight hours for each and every 12 feet square of the harbor property occupied by said goods, lumber, salt or other material; provided that in case the owner or agent of such goods, lumber, salt or other material, refuses or neglects to ship or remove the same from the harbor property after the expiration of one month, it shall be lawful to sell and dispose of the same by public auction to defray the expenses to pay ground rent as above—eight days' notice of such sale to be given by posting handbills announcing it in the usual manner.

RULE X.—That no person shall obstruct the wharfinger in the performance of his duties.

RULE XI.—That the tolls and duties specified in the accompanying schedule shall be and they are hereby imposed and authorized to be levied and collected by the wharfinger on the several articles enumerated in said schedule, entering the Cascades, except on articles belonging to the Government of Canada which are hereby exempt from payment of tolls and dues.

RULE XII.—The penalty for violation of the law or any rule or regulation made thereunder, shall not exceed one hundred dollars, and punishment by imprisonment shall not exceed thirty days.

SCHEDULE.

	Cts.
Apples, per barrel.....	2
Apples, per bushel.....	1
Bacon, per 100 lbs.....	3
Bark, per cord.....	5
Beef and pork, per barrel.....	4
Beef and pork, per half barrel.....	2
Beef and pork, per quarter barrel.....	1
Beer, ale and porter, per barrel.....	4
Beer, ale and porter, per half barrel.....	2
Beer, ale and porter, per quarter barrel.....	1

Marine.

	Cts.
Boilers, per ton.....	25
Bricks of all kinds, per M.....	20
Building stone, per cord.....	10
Butter, per 100 lbs.....	2
Calves, each.....	3
Carriages and waggons of all kinds, with springs.....	20
Carts, without springs, each.....	10
Cattle and horses, per head.....	15
Cedar posts, per 100.....	10
Cement, per barrel.....	3
Cheese, per 100 pounds.....	2
Cider, per barrel.....	3
Clover seed, per bushel.....	2
Coal, per ton.....	5
Colts and fillies, each.....	7
Corn meal, Indian, per barrel.....	2
Cranberries, per barrel.....	5
Crockery, including china and glassware, per crate.....	25
Cultivators, each.....	15
Earthenware, coarse, per crate.....	10
Eggs, per barrel, or box of 72 dozen.....	5
Fanning mills, each.....	15
Fish, per barrel.....	2
Fish, per half barrel.....	1
Fish, dry, per 100 lbs.....	2
Flour, per barrel.....	2
Flour, per 100 lbs.....	1
Fruit, per 100 lbs., not otherwise provided for.....	5
Furniture, per ton measurement.....	30
Grain of all kinds, except oats, per bushel.....	$\frac{1}{4}$
Grain, oats, per bushel.....	$\frac{1}{8}$
Grindstones, per ton.....	15
Gypsum, per ton.....	3
Hams, per 100 lbs.....	2
Hardware, per ton.....	25
Hay, per ton.....	10
Headings, barrel, per M.....	25
Hides or skins, per 100 lbs.....	2
Hoops, per M.....	2
Hops, per 100 lbs.....	5
Horse rakes, each.....	5
Iron, bar, per ton.....	15
Iron, pig, per ton.....	8
Iron, scrap, per ton.....	15
Lard, per barrel.....	5
Lard, per half barrel.....	$2\frac{1}{2}$
Lath, per thousand pieces.....	$\frac{1}{4}$
Leather, per 100 lbs.....	3

Marine.

	Qts.
Lime, per barrel.....	2
Lime, per ton, in bulk.....	6
Lumber, sawn or square, per M feet B. M.....	3
Machinery, engines, &c., per ton.....	25
Machines, reaping and mowing, each.....	50
Machines, threshing, each.....	75
Marble, per ton.....	25
Merchandise, dry goods, per ton.....	50
Millstones, per pair.....	30
Molasses, per hogshead.....	8
Nails and spikes, per ton.....	25
Nursery produce, per ton.....	30
Oatmeal, per barrel.....	2
Oils, per barrel.....	5
Paints, per ton.....	25
Pearl and pot ashes, per barrel.....	8
Pickets, per 1000	3
Plaster, calcined, per barrel.....	4
Plaster, land, per barrel.....	2
Ploughs, each.....	3
Poles, telegraph, each.....	$\frac{1}{4}$
Potatoes and roots, per bushel.....	$\frac{1}{4}$
Rags, per ton.....	15
Rakes (hay) snaiths and forks, per dozen.....	1
Rakes, horse, each.....	5
Root slicers, each.....	5
Salt, per barrel	$\frac{1}{4}$
Salt, per ton.	$1\frac{1}{4}$
Sand, per ton.....	$1\frac{1}{2}$
Sawlogs, per M. feet, B. M.....	1
Sheep, per head.....	2
Shingles, per M.....	$\frac{1}{2}$
Shingle or stave bolts, per cord.....	3
Slate, per ten feet square.....	3
Spirits of all kinds and wines, per barrel.....	10
Spirits of all kinds and wines, per half barrel.....	5
Spirits of all kinds and wines, per keg or quarter barrel...	$2\frac{1}{4}$
Spirits of all kinds and wines, per dozen bottles.....	2
Staves, fish, flour and salt, per M.....	2
Staves, pipe, per M.....	50
Staves, West India, per M.....	25
Stone, cut, per ton.....	20
Stone, block, in the rough, per ton.....	15
Stoves, per ton.....	20
Straw cutters, each.....	5
Swine.....	$2\frac{1}{4}$
Ties, railroad, each.....	$\frac{1}{4}$

Marine.

	Cts.
Timothy seed, per bushel.....	2
Vinegar, per barrel.....	4
Wood, per cord.	2½
Wool, per ton.....	30

Vide Canada Gazette, Vol. XXI, p. 138

REGULATIONS

For the use of the Public Wharf at Buctouche, in the County of Kent, Province of New Brunswick, approved by His Excellency in Council, 7th July, 1887.

1. No vessel or vessels shall be allowed to make fast to any of the fenders on the wharf aforesaid.

2. The following dues shall be charged on each steamboat and sailing vessel for each day or fraction of a day they make use of said wharf, viz. :—

On each steamboat.....	\$1 00
do sailing vessel under 50 tons.....	0 25
do do of 50 tons and under 100.....	0 30
do do 100 do 200.....	0 50
do do 200 do 300.....	0 70
do do 300 do 500.....	1 00
do do 500 do 800.....	1 25
do do 800 do 1200.....	1 50
do do 1200 do 1600.....	1 75
do do above 1600 tons.....	2 00

3. The following dues shall be charged on all horses, cattle, sheep and goods landed or shipped from the said wharf :—

Horses, each.....	\$0 15
Carriages, each.....	0 10
Oxen and cows, each.....	0 10
Sheep, each.....	0 02
Barrels, each.....	0 02
Hogsheads, each.....	0 10
Cases, bales and other goods.....	½ ct. p. c. foot.
Coal, iron, building stone, salt and articles of similar nature.....	5 cts. p. ton.
Chains and anchors.....	10 do
Naval stores, paints, oils and articles of a similar nature.....	5 do
Cordwood and bark.....	5 cts. p. cord.
Rough plaster from quarry, stone or gravel or earth ballast for shipping.....	2 cts. p. ton.
Gravel for use of roads.....	Free.
Dried fish in bulk.....	1 ct. p. quintal.

Marine.

4. No cattle shall be allowed to remain on the wharf after orders have been given by the wharfinger for their removal, under a penalty of twenty cents per head.

Vide Canada Gazette, Vol. XXI., p. 140.

By Order in Council bearing date Monday, 3rd day of October, 1887, in accordance with the provisions of the 15th section of Chapter 81, "The Wrecks and Salvage Act," of the Revised Statutes of Canada, the eastern portion of Prince County, in the Province of Prince Edward Island, embracing Lots 16, 17, 18, 19, 25, 26, 27 and 28, was established a district for the purposes of the Act.

Vide Canada Gazette, Vol. XXI, p. 792.

BY-LAWS

For the Pilotage District of St. Mary's and Liscombe. Also the amended rate of Pilotage Fees. Approved by His Excellency in Council, 15th October, 1887,

Any licensed pilot placed in charge of a vessel by the master shall, in addition to full pilotage rates, be paid the sum of one dollar and fifty cents per day, for each day he may be detained on board such vessel by the master, by stress of weather or otherwise while he is waiting orders.

By-law for Liscombe Harbor, as follows :—

The pilots of Liscombe shall hereafter take all vessels for the purpose of loading under five hundred tons above Riley's Island, but not to remain after drawing fifteen feet of water. All vessels over five hundred tons shall be moored between Riley's Island and Freeman Lang's near Riley's Island and load there until they draw eighteen feet of water. Vessels drawing more than eighteen feet of water to finish loading near Clay Head. Vessels removing from the upper loading ground shall not pass the second unless they draw more than eighteen feet of water. One moving to be paid by the master, the rate to be one cent per ton.

Amended rates of Pilotage for Liscombe and St. Mary's as follows :—

					Inwards.	Outwards.
Vessels of 80 tons and under	150 tons	.....			\$ 4.00	\$ 6.00
do 150	do up to 200	do	.....		5.00	7.00
do 200	do do 250	do	.....		6.00	8.00
do 250	do do 300	do	.....		7.00	9.00
do 300	do do 350	do	.....		8.00	10.00
do 350	do do 400	do	.....		9.00	11.00
do 400	do do 500	do	.....		11.00	13.00
do 500	do do 600	do	.....		14.00	16.00

Vessels from 600 tons and over, one dollar for every additional hundred tons or fractional part of a hundred.

Marine.

The following rate shall apply to the Port of Liscombe only :—

Vessels of eighty tons and under requiring the services of a pilot shall pay three cents per register ton inwards and outwards.

The rates for small vessels for St. Mary's to remain as heretofore.

Vide Canada Gazette, Vol. XXI, p. 948.

BY-LAWS, RULES AND REGULATIONS

For the government of pilots, for the Pilotage District of Economy, in the County of Colchester in the Province of Nova Scotia, made by the Pilotage Authority for the said district, and approved by His Excellency in Council, 2nd December, 1887.

1. No person shall be licensed for a pilot under twenty-one years of age, nor unless he shall reside within the said pilotage district and shall on examination be found in every respect well qualified to discharge all the duty of a pilot.

2. Every licensed pilot shall, at the time of receiving the license, pay the fee of \$10 (ten dollars) for the same.

3. Every master or mate shall pay for his certificate the yearly sum of ten dollars (\$10) on receipt of his certificate or renewal thereof.

4. Any pilot piloting a vessel from sea shall be entitled to pilot her to sea when she next leaves port, unless on the complaint of the master, owner or agent of said vessel the pilotage authority direct otherwise.

5. On proof on oath to the satisfaction of the pilotage authority that any pilot licensed by them has been guilty of any improper conduct, drunkenness or wilful neglect of duty, said pilot shall be suspended, or deprived of his license at the discretion of the pilotage authority.

6. Every licensed pilot shall report to the secretary of the pilotage authority all vessels spoken by him which have refused to accept his services, and shall also report any casualty or accident which may have happened to any vessel under his charge or any other matter of importance connected with vessels coming under his observation, and shall also report, when any of the buoys are not in their places, or any of the lighthouses not lighted at the proper time, which report shall be made as above immediately after his arrival or as soon as office hours will permit.

7. Each licensed pilot upon boarding any vessel is required to exhibit to the master of such vessel a copy of the quarantine regulations, and if upon enquiry, the pilot finds such vessel has come from any infected port, or if on board of such vessel any death from infectious or contagious disease has occurred, then in any of these cases it shall be the duty of such pilot to warn the master of such vessel that he is not to allow any intercourse between his vessel and the people on shore before receiving the visit and orders of the quarantine officer of the port, and on entering the port the pilot shall cause the national flag to be hoisted at the main and shall bring the vessel to anchor at the usual place appointed for riding quarantine.

8. Any licensed pilot offering his services to any inward bound vessel liable to pay pilotage on being refused employment shall be entitled to

Marine.

demand legal pilotage, provided no other licensed pilot shall have previously offered his services and demanded payment therefor.

9. Any questions or disputes arising between pilots, masters of vessels and others respecting pilotage or for any other extra remuneration and all other questions and disputes between them shall be submitted to the pilotage authority to be readjusted and decided by them; and the judgment of the commissioners or a majority of them respecting all such questions or disputes in which the subject matter does not exceed the sum of forty dollars (\$40) shall be final and binding on all parties; and every licensed pilot who shall act contrary to this regulation or shall refuse or neglect to appear before the commissioners after twenty-four hours' notice when his attendance shall be required by them on any occasion, or shall give any unnecessary trouble, annoyance or detention to the masters of vessels, shall, for each offence, be liable to a penalty not exceeding twenty dollars (\$20) and also to suspension or dismissal at the discretion of the commissioners.

10. The rates of pilotage within the pilotage limits of the district of Economy shall be as follows, on vessels liable to pay pilotage:—

From the west end of Moose Island to the Port of Economy, \$2 per draught foot, and twenty-five cents extra per foot on vessels to and above Economy Point and within the district. From Moose Island to any river in Five Islands, \$2 per draught foot.

From Economy River to the west end of Moose Island, \$2 per draught foot.

The Port of Economy is hereby understood to mean Economy Village, and also to include any place inside the mouth of Economy River.

Vide Canada Gazette, Vol. XXI., p. 1294.

At a meeting of the Pilot Commissioners, being the Pilotage Authority for the pilotage district of Victoria and Esquimault, in the Province of British Columbia, Dominion of Canada, duly convened, regularly held and assembled in the city of Victoria at the office of said Commissioners on the 28th day of June, 1887,—a full board being present—the following resolution was agreed upon and passed unanimously, and was approved by His Excellency in Council on the 1st February, 1888:

“That on account of the changed circumstances of the commerce of British Columbia and the fact of steamers and vessels from foreign ports having to call at more than one port in the province, and having to pay separate pilotage rates at each port, which is regarded as being oppressive and detrimental to the commerce of the province, it is desirable to amend the by-laws fixing the rate of pilotage for the ports of Esquimault and Victoria. Be it therefore resolved, that section B of clause 18 of the by-laws be amended as follows, viz:—

Esquimault Harbor—

	Per foot.
Vessels under sail.....	\$3 00
do under steam or in tow.....	2 00
Steamers.....	1 50

Marine, &c.

Victoria Harbor—

Per foot.

Sailing vessels under sail..... 3 00

do under steam..... 2 00

Steamers..... 1 50

That section, C of clause 18 of the by-laws be amended to read "half the above rates when the services of a pilot are offered but not accepted."

Vide Canada Gazette, Vol. XXI, p. 1759.

At a meeting of the Commission of the Nanaimo Pilotage District held at Nanaimo, British Columbia, on the 14th February, 1888, the following amendments to clauses 29 and 34 were adopted, and approved by His Excellency in Council on the 19th March, 1888:—

That clause 29 be amended by adding thereto the following:—

That a line to be known as the outer line shall be at or outside a line drawn from Trial Island to Dungeness Lighthouse, including all ports on Vancouver Island shore north of said line.

That clause 34 be repealed and the following substituted therefor:—

All steamers carrying Her Majesty's mails from any foreign port to British Columbia shall pay for inward and outward pilotage one dollar and fifty cents per foot exclusive of gulf pilotage.

Vide Canada Gazette, Vol. XXI, p. 2091.

At a meeting of the Parrsboro' Pilotage Authority held on the 20th February, 1888, the following resolution was passed unanimously and was approved by His Excellency in Council on the 25th March, 1888:—

Resolved, that section 3 of the rules and regulations for the government of pilots for the Pilotage District of Parrsboro' in the County of Cumberland, Province of Nova Scotia, be repealed, and the following clause be enacted instead thereof:—

"Every master or mate of vessels of 130 tons register tonnage shall pay yearly the sum of forty dollars on receipt of his pilot certificate or a renewal thereof, and vessels over 130 tons to pay five cents per ton additional, and all vessels under 130 tons, owned and registered in the Dominion of Canada, be exempt from the payment of pilotage dues in and out of the Parrsboro' Pilotage District.

Vide Canada Gazette, Vol. XXI, p. 2143.

Post Office.

By an Order in Council bearing date Monday, 3rd January, 1887, two new Post Office Inspector's Divisions were constituted and established to be called, respectively, the Stratford Division in the Province of Ontario, and the Sherbrooke Division in the Province of Quebec, and that the said divisions be composed as follows:—

Post Office, &c.

The Stratford Division in the Province of Ontario to consist of the Counties of Perth (South Riding) and Huron, and the Townships of North and South Easthope in the County of Oxford, to be detached from the London Division, the Counties of Perth (North Riding), Wellington and Waterloo, to be taken from the Toronto Division, and the Counties of Bruce, Grey (South Riding) and Grey (North Riding) to be withdrawn from the Barrie Division.

The Sherbrooke Division in the Province of Quebec to comprise the Counties of Compton, Richmond (except townships of Cleveland and Shipton), Stanstead, Drummond (except Township of Kingsey), Sherbrooke (town), Shefford and Brome, heretofore forming part of the Montreal Division, and the Counties of Wolf, Richmond (Townships of Cleveland and Shipton) and Drummond (Township of Kingsey), now belonging to the Quebec Division.

Vide Canada Gazette, Vol. XXI, p. 52.

By an Order in Council bearing date Monday, 3rd January, 1887, a new Post Office Inspector's Division was constituted and established to be called the Stratford Division in the Province of Ontario, and that the said division be composed as follows:—

The Stratford Division in the Province of Ontario to consist of the Counties of Perth (South Riding) and Huron, and the Townships of North and South Easthope in the County of Oxford, to be detached from the London Division, the Counties of Perth (North Riding), Wellington and Waterloo, to be taken from the Toronto Division, and the Counties of Bruce, Grey (South Riding) and Grey (North Riding) to be withdrawn from the Barrie Division.

Vide Canada Gazette, Vol. XXI, p. 91.

*Public Works.***BY-LAWS**

As to the Quebec Graving Dock. Enacted under 22nd Victoria, Chapter 32, section 4, sub-sections 1 and 2; 25 Victoria, Chapter 44, section 2; 40 Victoria, Chapter 51, section 5, and 38 Victoria, Chapter 56, section 4, and approved by His Excellency in Council 19th July, 1887.

1. No vessel shall be entitled to be admitted into the graving dock without having the time and manner of her entry into, and of her remaining in said dock, previously prescribed and regulated at the dock master's office in books to be kept for that purpose.

Public Works.

No regulation shall be considered complete until the owner of the vessel or his representative shall have signed the regulating book.

2. No vessel shall remain in the graving dock any longer than the time for which such vessel shall have been regulated.

If, before the expiration of the time for which a vessel was originally regulated in the dock, the dock master shall be satisfied, on a written application to be made to him for that purpose, that circumstances not known when the vessel was regulated, or beyond the control of the parties engaged in the work, will prevent the completion within the period for which the vessel was regulated, a new regulation may, if the dock master shall think proper, be made for such further time not exceeding fourteen (14) days as he may think requisite for the completion of such work, but no vessel shall be allowed to be re-regulated more than once, except with the sanction of the Harbor Commissioners. Every owner, master, managing owner or consignee of any vessel which shall remain in the graving dock after the expiration of the time for which such vessel shall have been originally regulated or re-regulated, as above mentioned; and the person by whom the regulating book was signed in respect of such vessel, shall be deemed to have committed a separate offence against this by-law in respect of every tide during which such vessel shall so remain in the graving dock, and a penalty of fifty dollars (50) will be inflicted for every such offence; and the infliction of such penalty or penalties in respect of any such offence or offences shall not relieve the parties from their liability to pay the graving dock rates payable to the harbor board in respect of the use of the graving dock beyond the period for which the vessel was regulated or re-regulated.

3. If any vessel shall not leave the graving dock at the expiration of the period for which she was regulated or re-regulated, the dock master, whether such vessel may or may not then be water-tight, or capable of being floated, may open the gates of the dock to let out any vessel therein, or to admit any other vessel thereto, and any loss or damage sustained by any vessel by reason of the water being so let into the dock, shall be exclusively borne by the owner or owners of such vessel; and the commissioners may cause to be removed from the graving dock vessels not removed by the owner or owners in due course, and to recover from said owner or owners all expenses incurred in so doing, including the cost of ballast and making the vessel water-tight if necessary.

4. On failure to place a vessel in the graving dock, for which she has been regulated on the day appointed for that purpose in the regulating book, such vessel shall be struck off the entry list; the owner, master, managing owner or consignee of such vessel shall, on demand, pay to the board the amount, if any, which the board may have lost in respect of graving dock rates, by reason of such failure; and except under the circumstances hereinafter mentioned, her entrance fee shall be forfeited to the Board; but if the dock master shall be satisfied that such failure arose by stress of weather or other circumstances which shall in his judgment be a sufficient reason for the same, then on payment of the amount, if any, which the board may have lost as aforesaid, the vessel may be reinstated in her original position on the entry list without payment of a fresh entrance fee.

Public Works.

5. No vessel shall be broken up or commenced to be broken up while in the graving dock without the consent of the board signified in writing under the hand of their secretary for the time being; the dock master may forthwith remove from the graving dock any vessel which shall be commenced to be broken up, without such consent, and all the costs consequent upon such removal shall be paid by the master, owner or consignee of such vessel, or by the person who signed the Regulating Book for such vessel.

6. The dock master may, in his discretion, allow any vessel which shall have put back in a damaged condition, or which shall under any other circumstances be in such a condition as may in his judgment render her immediate admission to the graving dock actually necessary, to enter the graving dock in priority to all other vessels standing on the regulating list.

7. No vessel shall be scuttled in the graving dock without the special permission, in writing, of the dock master.

8. The owner or master of any vessel intending to enter the graving dock shall cause the blocks to be laid, and the lines stretched for her reception at least three hours before high water of the tide for which such vessel may have been regulated to enter the graving dock; and in the case of iron vessels he shall also cover the dock blocks with hardwood caps of a sufficient thickness to prevent the dock blocks being cut or injured by the vessel's keel. Whenever caps are required to be placed on the dock blocks notice thereof shall be given to the dock master at the time of regulating, in order that a proportionate allowance may be made as to the depth of water. Any vessel in respect of which any breach of this by-law shall occur, shall be struck off the entry list and the entrance fee shall be forfeited to the board.

9. Blocks and horizontal shores and stages will be provided by the board, as follows, viz.:—Blocks: one set for the length given at the time of regulating. Horizontal shores: two for every fifteen feet of the length given at the time of regulating. Stage poles and planks: A sufficient number to make one tier of stages round the vessel; to consist of two planks in breadth and a gangway stage of two poles and five planks. No person shall use or take away any such block, shore, pole or plank or other article belonging to the harbor board without permission from the said board, and every person using or taking away any such block, shore, pole or plank, or other article with such permission, shall return and replace the same when required by the dock master.

10. No person shall destroy, cut, or otherwise damage, or allow to go adrift, any of the blocks, shores, machines, stores, water cisterns, stages or pipes, pitch pots, cranes, tackle or other appendages belonging or which may belong to the graving dock, nor throw down timber or other heavy thing upon the steps and stonework, or pass the same into or out of the dock, otherwise than by the shoots prepared for that purpose.

11. The master, owner, or consignee of any vessel requiring to be swealed whilst in a graving dock may with the permission of the dock master, cause such vessel to be swealed, on condition that such owner, master or consignee, shall, at his own expense, procure the attendance of a

Customs.

By an Order in Council bearing date Wednesday, the 11th day of July, 1888, the Order in Council of the 17th December, 1887, interpreting item No. 57 of the tariff of Customs duties so far as it relates to plough plates, mould boards and land sides, which expired at the close of the last session of Parliament, was continued in force until the end of the next session of Parliament.

Vide Canada Gazette, Vol. XXII, p. 102.

By an Order in Council bearing date Wednesday, the 11th day of July, 1888, under the authority of section 245 (l) of Chapter 32 of the Revised Statutes of Canada (Customs Act), jute yarn, plain, dyed or colored, when imported by manufacturers of jute webbing and jute cloth, to be used for those purposes only, in their own factories, was placed upon the list of articles that may be admitted into Canada free from Customs duty, until the end of next session of Parliament.

Vide Canada Gazette, Vol. XXII, p. 103.

By an Order in Council bearing date Wednesday, the 11th day of July, 1888, under the authority of section 245 (l) of Chapter 32 of the Revised Statutes of Canada (Customs Act), cotton yarn finer than No. 40, unbleached, bleached or dyed, for use in covering electric wires, was placed upon the list of articles that may be admitted into Canada free of Customs duty, until the end of next session of Parliament.

Vide Canada Gazette, Vol. XXII, p. 103.

By an Order in Council bearing date Wednesday, the 11th day of July, 1888, under the provisions of section 245 (l) of Chapter 32 of the Revised Statutes of Canada (Customs Act), wire of iron or steel, galvanized or tinned or coppered, or not, of No. 16 gauge or smaller, when imported by manufacturers of wire cloth, wire work, brushes, pianos and plated ware, to be used for those purposes only, in their own factories, was placed upon the list of articles that may be admitted into Canada free of Customs duty, until the end of next session of Parliament, the Order in Council of 9th August, 1887, providing for the admission free of duty of the above articles having expired on the 22nd of May last, the above order to take effect from that date.

Vide Canada Gazette, Vol. XXII, p. 103.

By an Order in Council bearing date Wednesday, the 11th day of July, 1888, under the provisions of section 245 of Chapter 32 of the Revised Statutes of Canada (Customs Act), the Customs Port of Cornwallis, N.S., was reduced to an outport of Customs and warehousing port, and placed under the survey of the newly created port of Kentville, N. S.

Vide Canada Gazette, Vol. XXII, p. 103.

Fisheries.

By an Order in Council bearing date Saturday, 17th day of December, 1887, under the provisions of the 16th section of Chapter 95 of the Revised Statutes of Canada, intituled "An Act respecting Fisheries and Fishing," the fishery regulation relating to the lobster fishery, adopted by the Order in Council of the 13th March, 1879, was rescinded, and the following adopted in its stead:—

1. On that part of the coast of the Atlantic Ocean extending from Cape Canso westward, and following the coast line of the Bay of Fundy to the United States boundary line, it shall be unlawful to fish for, catch, kill, buy, sell, or have in possession (without lawful excuse) any lobsters between the 1st day of July and the 31st day of December, 1888.

2. In the remaining waters of the Province of Nova Scotia, and in the waters of Prince Edward Island, New Brunswick and Quebec (including the Magdalen Islands and Anticosti) it shall be unlawful to fish for, catch, kill, buy, sell, or have in possession (without lawful excuse) any lobsters between the 15th day of July and the 31st day of December, 1888.

3. It shall be unlawful at any time to fish for, catch, kill, buy, sell, expose for sale or have in possession any berried or soft-shelled lobsters, or any lobster under nine inches in length, measuring from head to tail, exclusive of claws or feelers, and when caught in fishing apparatus in legal use, they shall be liberated alive by the proprietor, owner, agent, tenant, occupier, partner or person actually in charge, either as occupant or servant, on each of whom shall devolve the proof of such actual liberation, and each of whom shall be deemed to be jointly and severally liable for any penalties or moneys recoverable under the Fisheries Act or of any regulation made under it.

Vide Canada Gazette, Vol. XXI., p. 1416.

By an Order in Council, bearing date Thursday, 5th day of July, 1888, under the provisions of section 16 of Chapter 95 of the Revised Statutes of Canada, intituled "An Act respecting Fisheries and Fishing," for the purpose of affording better protection to the fish in the fluvial portions of the rivers of Quebec, Nova Scotia and New Brunswick, so much of the 8th section of the above quoted statute which relates to fly fishing for salmon was amended by substituting the following therefor:—

"Provided always that it shall be lawful to fish for, catch and kill salmon with a rod and line, in the manner known as fly surface fishing, between the first day of February and the fifteenth day of August, in the Provinces of Quebec, New Brunswick and Nova Scotia."

The same to take effect from the 15th August, 1889.

Vide Canada Gazette, Vol. XXII., p. 48.

Inland Revenue.

By an Order in Council bearing date Thursday, 28th day of June, 1888, under the provisions of section 17 of Chap. 29 of the Revised Statutes of Canada, intituled "An Act respecting the Public Revenue, the raising of loans authorized by Parliament and the auditing of Public Accounts," the inland revenue division of Peterborough was transferred from the inspection district of Toronto to that of Kingston.

Vide Canada Gazette, Vol. XXII, p. 2.

By an Order in Council, bearing date Friday, the 6th day of July, 1888, the following regulations for the governance of all licensed bonded manufactories in the Dominion, were adopted,—such regulations to take effect from the 3rd day of July, 1888.

REGULATIONS.

1. Subject to the provisions of the Inland Revenue Act, to these regulations, and to such further regulations as may hereafter be made by competent authority, licenses may be granted to manufacture in bond the articles herein enumerated, viz. : vinegar and crude fulminate in the form of paste.

2. Any bonded manufactory licensed under the above recited Act may be closed and the license forfeited, whenever it is shown to the satisfaction of the Minister of Inland Revenue that there is just cause for believing that frauds upon the revenue are being perpetrated in connection with such manufactory.

3. In addition to the license fee named in the Act above cited, every person to whom a "bonded manufacturing license" is granted, shall pay to the Collector of Inland Revenue, in monthly instalments, such sums of money as shall be sufficient for the payment of the expenses incurred by the Inland Revenue Department for the effective supervision of the manufactures carried on under such license, and for taking account of the dutiable articles consumed in such manufacture, and of the articles produced therefrom ; and the maximum sum to be so paid by the party aforesaid shall, from time to time, be determined by the Minister of Inland Revenue, as he may deem necessary, and shall, as nearly as may be, be in proportion to the magnitude and general character of the business carried on under such license.

4. Goods manufactured in bond shall be removed from the apartments of the manufactory wherein the same were made as soon as the process of manufacture is completed and shall then be placed in compartments or storerooms set apart for that purpose, and be either warehoused as per warehousing regulations then in force or entered ex-factory for duty, the duty to be collected on the monthly returns of the manufacturer as in the case of other manufactures subject to excise.

5. With every application for a license to manufacture in bond there shall be submitted a specification or formula of all the articles to be manufactured thereunder, which specification or formula shall also set forth in detail the percentage or proportion of every ingredient to be used in the

Inland Revenue.

manufacture of each article, except that in the case of vinegar, the actual quantity of each ingredient to be used (water excepted) shall be given, for the production of one hundred gallons of standard vinegar.

6. The articles manufactured in bond shall be compounded carefully in accordance with the specification or formula submitted with the application for the license and approved by the Minister of Inland Revenue.

7. Collectors and officers in charge of bonded manufactures shall be, and they are hereby required, to see that the percentages, proportions and quantities set forth in the specification or formula are closely adhered to and in no case exceeded; but should it be ascertained by any process or by any test of any of the articles made that a greater portion or percentage of alcohol has been used in the preparation thereof than is set forth in the specification or formula, the duty exigible upon spirits shall be collected upon the excess of alcohol so ascertained, which may be computed upon the article or articles made during the currency of the license then in force, and the manufacturer shall also be liable to the penalty of forfeiting his license as well as the other penalties set forth in the "Inland Revenue Act."

8. The under side of the flooring joists of all bonded apartments in which spirits or other goods subject to excise duty are stored or placed while under any process of manufacture, shall, if there is any space or other apartment below them, be sheeted or lathed to the satisfaction of the inspecting officer.

9. Dutiable vinegar produced in any bonded factory shall be in the proportion of one hundred gallons of standard vinegar containing 6 per cent. of acetic acid, over and above the quantity taken for "mix" or used in the further production of vinegar to twenty-five gallons of proof spirits taken into the manufactory and used for its production, with such addition to the standard quantity of vinegar as may, in the opinion of the Minister of Inland Revenue, be fairly due to any other article such as sour beer, or wine, acetic acid, or any like article brought into the manufactory, in addition to the alcohol used for its production.

10. In estimating the quantity of spirits used in any bonded manufactory during any period, for the production of vinegar, the inspector shall be guided by the books kept by the manufacturer as required by law or by the actual quantity discovered by stocktaking, thus by adding to the quantity on hand at commencement of period the quantity brought in and deducting therefrom the actual quantity found in stock, the difference may be taken as the quantity used, nevertheless due allowance must be made for the alcohol, that may be in process in the mixing or compounding tub at the beginning and end of the period, but no allowance whatever shall be made for the quantity said to be in process in the generators at the beginning or end of the period for which the calculation is being made.

11. The percentage of acetic acid contained in any vinegar produced in any such bonded factory shall be determined by such established chemical tests, applied by such apparatus, as may be, from time to time, directed by regulations or instructions made in that behalf by the Minister of Inland Revenue.

12. The officers of Inland Revenue may, at any time, take such samples from any of the packages of vinegar, or other article made in, or brought

Inland Revenue.

into any bonded manufactory as may be deemed necessary for determining their strength or quality. Samples of each package so tested shall be sent to the Department for confirmation, and in case the Department test is at variance with the test so made by the officer in charge of the manufactory, then the test made at the Department shall be final.

13. Every package of spirits and every other article or material brought into any bonded factory, whether subject to excise or customs duty, or not, shall be immediately placed in an apartment appropriated thereto and secured by a crown lock, the sole key whereof shall be in the exclusive custody of an officer of Inland Revenue; and no spirits or other article shall be removed from such locked apartment, except in the presence of the officer who has the key thereof for the time being, and in his presence every article removed from such locked apartment shall be immediately conveyed to the mixing room or other place where it is to be used and applied to the purpose for which it is intended.

14. All packages containing spirits shipped to bonded factories shall have the word "non-potable" over printed on both ends of the package, in letters not less than two inches in height and three-fourths of an inch in width and in a color different from that used for the other marks on the package.

15. Whether the spirits be domestic or imported, the branding shall be done by the vendor before they leave his premises; but if the bonded manufacturer be himself the importer, he shall have the branding done at a port of entry and before leaving the Customs premises where the spirits are examined.

16. Spirits shall be removed to a bonded factory only upon a permit countersigned by the collector, which shall have the word "non-potable" distinctly written across its face.

17. If the bonded factory and the shipper's premises are situated in separate divisions, one copy of the permit (K. 4, which will, in this case, be made in duplicate) shall accompany the bill of lading, and the spirits shall be consigned to the collector of the receiving division.

18. The duplicate permit must be designated as such and on the stub of permit book may be accounted for by referring to original general number.

19. In all cases the collector shall detail an officer, in addition to the officer in charge of the bonded factory, to weigh and test the spirits, and see them placed under lock in the bonding warehouse of the factory, and to certify the fact in writing upon the permit.

20. Spirits shall not be removed from a bonded factory without the written permission of the Minister of Inland Revenue, and then only to another bonded factory or to a licensed distillery.

21. The word "non-potable" shall be conspicuously placed upon all removal entries, or other official documents, used in connection with the removing of spirits to a bonded factory.

22. No article shall be kept or stored in any bonded manufactory other than such as are to be used in the manufacture of articles enumerated in the specification or formula accompanying the application for license.

Inland Revenue.

23. Every excise mark on every package in which any excisable goods are taken to any bonded manufactory, shall be completely erased and removed from such package as soon as emptied.

24. No person licensed as a manufacturer in bond shall carry on any trade of buying or selling spirits or spirituous liquors on the premises for which such license is granted, nor in any other premises situated within five hundred yards of such licensed premises, except in so far as such buying and selling is a necessary consequence of the business for which the license is granted, and permission to carry on such business is specially granted in the license.

25. No duty-paid spirits (except spirits on which the difference between Customs and Excise duty has been paid under 49 Vic., cap. 34, sec. 234) shall be taken into any bonded manufactory.

26. Whereas by the 234th section of the Act of the Parliament of Canada, 49th Vic, chap. 34, intituled "The Inland Revenue Act," it is provided that "whenever any article not the produce of Canada upon which the duty of excise would be levied if produced in Canada, is taken into a bonded manufactory, the difference between the duty of excise to which it would be so liable and the Customs duty which would be levied on such article if so imported and entered for consumption shall be paid as a duty of excise when it is taken into the bonded manufactory; but in the case of spirits to be used for any chemical or manufacturing purpose only, the foregoing provisions of this section may be varied, in whole or in part, by the Governor in Council, provided that no increase of duties shall accrue therefrom." His Excellency in Council, in pursuance of the provisions above recited, has been pleased to order, and it is hereby ordered, that the duty exigible upon foreign spirits, when taken into any duly licensed bonded manufactory, shall be determined at the rate of thirty cents (30) per proof gallon.

27. Stock books must be kept in the factory, in which must be entered:—

1st. The quantity of each description of article or commodity brought into the factory, and in the case of spirits the particulars of every package, stating where manufactured, the strength and quantity, the marks, &c., on the casks, and the general number of the permits under which it was conveyed to the factory;

2nd. The quantity of each description of article or commodity used in the production of the manufactured articles made in the manufactory, giving the particulars of every quantity mixed, showing the marks, &c., of the original packages from which they were taken;

3rd. The quantity of each description of article or commodity removed from the factory, or disposed of otherwise than for the production of the articles therein manufactured or made;

4th. The quantity of each description of manufactured article or commodity made or produced on each day;

5th. The quantity of manufactured product removed from the factory.

6th. The quantity entered for warehouse, and—

7th. The quantity ex-warehoused and entered for duty ex-factory.

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28. All vinegar running from generators and having a strength of 8 per cent. or more of acetic acid, must be conveyed directly to the closed receivers and must there be gauged and tested before being taken for "mix" or otherwise.

The quantity required for "mix," when not exceeding the quantity stated in the specification or formula, will be given by the officer when required, and at the end of the month the total quantity taken will be deducted from the total production of vinegar in the manufactory, leaving the balance as the actual quantity of dutiable vinegar produced.

29. On and after the first day of July, 1888, no allowance shall be made to the manufacturer for the quantities of spirits supposed to be in process in the generators, the Department giving up all claim against the manufacturer for an equivalent number of gallons of standard vinegar, nor shall such quantity be taken into consideration in any stock-taking or assessment that may have to be made in case of a deficiency of production.

30. When vinegar is conveyed from the generators through unlocked compartments of the factory, it must be conveyed in closed pipes properly secured.

31. Should the inspector of bonded manufactories, or any other officer of excise, at any time on visiting a bonded manufactory, observe anything which in his judgment might lead to a loss of revenue or interfere with its proper collection, or which might offer facilities for fraud, he is empowered to give instructions as to the changes he may deem necessary for the proper protection of the revenue, and such instructions shall be complied with by the manufacturer or his agent; and if such changes be not made within the space of ten days, his license may be forfeited.

32. All Orders in Council in respect of the manufacture of goods in bond, previously issued or established, are hereby cancelled.

33. The Minister of Inland Revenue may provide such tests for determining the percentage of free spirits contained in vinegar, and may deal with any vinegar found to contain such free spirits as may be deemed necessary for the proper protection of the revenue.

Vide Canada Gazette, Vol. XXII, p. 48.

Interior.

By an Order in Council bearing date Wednesday, 11th day of July, 1888, under the provisions of the 1st section of Chapter 56 of the Revised Statutes of Canada, intituled "An Act respecting Public Lands in British Columbia," the regulations for the disposal of coal lands in the Province of Manitoba and in the North-West Territories, a copy of which regulations is annexed hereto, were declared to govern the disposal of Dominion lands in the railway belt in the Province of British Columbia containing coal.

*Interior.***REGULATIONS.**

1st The following districts have been set apart and declared to be coal districts, the same to be known as those of the Souris River, the Bow River, the Belly River, the South Saskatchewan River, the North Saskatchewan River, the Cascade, and a district at Wood Mountain and its vicinity.

These lands are withdrawn from ordinary sale; but the even-numbered sections, with the exception of Hudson's Bay Company's lands, are open for settlement, subject, however, to the reservation of the coal and other mineral rights therein.

I.—SOURIS RIVER COAL DISTRICT.

Township 1, and South halves of 2, Ranges 4, 5, and 6, West of Second Meridian.

Townships 1, 2, 3, Ranges 7, 8, 9, 10, West of Second Meridian.

Townships 1, 2, 3, 4, Range 11, West of Second Meridian.

Townships 1, 2, 3, 4, 5, Ranges 12, 13, West of Second Meridian.

Townships 2, 3, 4, 5, Range 14, West of Second Meridian.

Townships 3, 4, 5, Range 15, West of Second Meridian.

Townships 4, 5, Range 16, West of Second Meridian.

Township 5, Range 17, West of Second Meridian.

II.—BOW RIVER COAL DISTRICT.

Townships 19, 20, 21, Ranges 18, 19, West of Fourth Meridian.

Townships 20, 21, 22, Ranges 20, 21, West of Fourth Meridian.

III.—BELLY RIVER COAL DISTRICT.

Townships 8, 9 and 10, Range 21;

Those portions of Townships 8 and 9 not included in the Blood Indian Reserve, and the whole of Township 10, in Range 22; those portions of Townships 8 and 9 not included in the Blood Indian Reserve, and the whole of Township 10, in Range 23, all West of the Fourth Principal Meridian.

IV.—SOUTH SASKATCHEWAN RIVER COAL DISTRICT.

Townships 11, 12, 13, Ranges 2, 3, 4, 5, 6, 7, 8, 9, 10, West of Fourth Meridian.

Townships 14, 15, 16, Ranges 2, 3, 4, 5, West of Fourth Meridian.

V.—NORTH SASKATCHEWAN RIVER COAL DISTRICT.

Townships 50 and 51, and the south half of Township 52, Range 25,

Townships 50 and 51, Range 26.

do 50 do 51 do 27.

do 50 do 51, in the fractional portion of Range 28, all West of the Fourth Principal Meridian.

Also Townships 50 and 51, Range 1.

do 50 do 51 do 2.

do 50 do 51 do 3.

do 50 do 51 do 4.

Interior.

All West of the Fifth Principal Meridian, in the Provisional District of Alberta.

VI.—CASCADE COAL DISTRICT.

The North West quarter of Township 25, Range 11.

do South West do do 26 do 11.

do North East do do 25 do 12.

do South East do do 26 do 12.

All west of the Fifth Principal Meridian, in the Provisional District of Alberta, but excluding therefrom that portion of the said described area which is covered by the right of way and station grounds of the Canadian Pacific Railway.

VII.—DISTRICT AT WOOD MOUNTAIN AND ITS VICINITY.

* Townships 1, 2, 3, 4, 5, 6, 7, Ranges 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, West of Second Meridian.

Townships 1, 2, 3, 4, 5, 6, 7, Ranges 1, 2, 3, 4, 5, 6, 7, 8, West of Third Meridian.

2nd. The surveys of the lands within the said coal districts will be completed as soon as possible, and thereafter the lands will be periodically offered for sale by tender or public auction. The lands within the "Cascade Coal District" at an upset price of \$20 per acre, cash, and the lands within all the other coal districts, at an upset price of \$10 per acre, cash.

(a.) Not more than three hundred and twenty acres shall be sold to one applicant :

(b.) When there is more than one applicant for the same coal location, the Minister of the Interior may invite competition between the several applicants, or offer the land for sale at public competition by tender or by auction as he may think expedient, at the upset price of coal lands in the district in which such coal location is situated :

(c.) When applications are made to purchase coal locations situated outside of the organized coal districts, the Minister of Interior may sell the same to the applicants at the price and on the terms which would apply if the lands were within an organized coal district, and with due regard to the quality of the coal which the said lands may be found to contain.

3rd. With respect to leases which have already been granted, each lessee who has fulfilled the conditions thereof may, within two years from the date of the Order in Council authorizing his lease, convert the leasehold into freehold by paying in cash the upset price placed by the Minister of Interior on the lands in the coal district wherein the said leasehold is situated ; but the lease shall be null and void in all cases where the conditions have not been fulfilled by the lessee, especially the conditions contained in clause 5 of the said regulations, which is as follows: "That failure to commence active operations within one year and to work the mine within two years of the commencement of the term of the lease, or to pay the ground rent or royalty, shall subject the lessee to forfeiture of the lease and resumption of the land by the Crown."

Interior, &c.

4th. In cases where the Minister of the Interior satisfies himself that companies, or persons, have expended considerable sums of money in exploring for coal within the limit of any district for which they may have applied under the regulations of the 17th December, 1881, the said lands may be sold to such companies or persons at the upset price fixed for lands in the coal district in which such tract may be situated.

5th. The boundaries beneath the surface of coal mining locations shall be the vertical planes or lines in which their surface boundaries lie.

6th. The rights of lessees, and of persons in favor of whom Orders in Council authorizing leases have been passed, shall not be affected by these regulations.

Vide Canada Gazette, Vol. XXII, p. 103.

Marine.

By an Order in Council bearing date Wednesday, 11th day of July, 1888, under the provisions of the 13th section of the Pilotage Act, being Chapter 80 of the Revised Statutes of Canada, the Order in Council of the 30th April, 1874, appointing a pilotage district for the Counties of Digby and Annapolis in the Province of Nova Scotia, was cancelled so far as it relates to the County of Digby, and a pilotage district was formed for St. Mary's Bay in the County of Digby, the limits of which district shall embrace the whole of St. Mary's Bay and such ports and harbors therein as belong to the County of Digby inside of an imaginary line drawn between Whipple Point and Cape St. Mary's,—such district to include also Grand and Petit Passages.

Vide Canada Gazette, Vol. XXII, p. 103.

Public Works.

By an Order in Council bearing date 21st June, 1888, a by-law of the Town of Trenton for the imposition and collection of dues or tolls upon saw logs, sawn timber, square lumber, square and round timber, cedar railway ties, hoop and hop poles, floats of all kinds, barrel headings, wood long or short, staves and stave bolts coming down the River Trent within the limits of the said corporation, was approved as follows:—

Public Works.

1. That it shall be lawful for the said corporation to keep constantly stretched during the season of navigation as heretofore a good and substantial boom across the River Trent, within the limits of the said corporation, and fastened to the piers and shore fastenings erected for that purpose, for the purpose of stopping and securing timber of all kinds coming down the said river, except a gate at one side of the river, as the council may direct, between the outside pier and the main shore, of sufficient width to allow drams of timber, wood or vessels to pass through, which shall be opened sufficiently wide by the person in charge of the boom for the passing and re-passing of vessels, craft, cribs, drams of timber and lumber of various kinds, at all reasonable times and when it can be done with safety.

2. That the dues, fees or tolls enumerated and specified in the following schedule, which forms a part of this by-lay, shall be the dues, fees or tolls chargeable and collectable on all saw logs, sawn timber, square and round timber, cedar railway ties, hoop and hop poles, floats of all kinds, barrel heading, wood long or short, stave and stave bolts, passing down the said river, running into the said corporation boom.

Schedule of Dues, Fees or Tolls above referred to.

For every saw log coming into the said boom.....	\$0 00½
For every piece of square timber, mast and spar.....	0 05
For every railway tie, allowing 8 ft. for each.....	0 00½
For every float.....	0 02
For every board, plank or deal and all kinds of sawn lumber, per raft, board measure.....	0 15
For every piece of round cedar.....	0 02
For every piece of ash or other round work.....	0 02
For every telegraph pole.....	0 00½
For every crib or dram of boards, plank or railway ties, hop poles, staves, round or square timber, deal or other lumber of any kind that may come into the boom and is hereby protected from going adrift, also cribs made or rafted within the corporation boom.....	1 00

3. That it shall be lawful for the council of the corporation of the town of Trenton to appoint a person to take charge of the said boom under such wages or salary as the council may, from time to time, direct, and to hold office during the pleasure of the council, whose duty it shall be to see that the boom and piers are kept in proper condition, and to keep a correct account of all the various kinds of lumber liable to dues, fees or tolls coming into the boom from time to time, and furnish a copy thereof to the clerk of the council or to the mayor or chairman of the Harbor and Public Works Committee, every Saturday night during the season of navigation or while the said boom is in use.

4. That it shall be the duty of every person or persons having lumber of any kind in the said boom liable to any of the dues, fees or tolls aforesaid, to pay the same or produce to the person in charge of the said boom the authority of the council allowing the removal of the same, before the same is removed out of the said boom.

Public Works, &c.

5. That any person or persons removing or attempting to remove any of the aforesaid property out of the said boom contrary to the provisions of section 4, of this by-law shall, upon conviction before a police magistrate of the town or before any justices of the peace for the County of Hastings, be subject to the penalties provided in section 280 of the consolidated by-laws of the town of Trenton.

6. That sections 121, 122, 123, 124, 125, 126 and 127 of the consolidated by-laws of the town of Trenton are hereby repealed.

Vide Canada Gazette, Vol. XXI, p. 2680.

Railways and Canals

By Order in Council bearing date Ottawa, 1st June, 1888, the provisions of the Order in Council of the 26th May, 1885, whereby steamers specially chartered for the conveyance of excursion parties, going and returning in the same boat the same day, were charged one half of the usual passenger tolls for passage through the Lachine Canal and St. Ann's Lock, were continued in force for the present season of 1888 only.

Vide Canada Gazette, Vol. XXI, p. 2559.

A Proclamation bearing date the 5th day of July, 1888, under authority of an Act of the Parliament of Canada passed in the session thereof held in the fifty-first year of Her Majesty's reign chaptered twenty-nine and intituled "An Act respecting Railways," confirmed an Act passed by the Legislature of the Province of Quebec, passed in the session of the said Legislature holden in the year one thousand eight hundred and eighty-six, and intituled "an Act to amend the Charter of the Quebec Central Railway Company,"—which Act provides among other things that it shall come into force upon the proclamation of the Lieutenant Governor, to be issued upon the declaration of the company that the Act had received the written assent of two-thirds of the shareholders,—the assent of two-thirds of the shareholders of the said company having been duly given as required by the said Act, and the said Act duly proclaimed by the Lieutenant Governor of the Province of Quebec.

Vide Canada Gazette, Vol. XXII, p. 102.

By an Order in Council bearing date 9th July, 1888, the Grenville Canal was declared closed to the passage of rafts, or of any portion of a raft, of any kind whatever.

Vide Canada Gazette, Vol. XXII, p. 51

Indians.

By an Order in Council bearing date Thursday, 7th June, 1888, under the provisions of the 54th section of "The Indian Act," being Chapter 43 of Revised Statutes of Canada, the Orders in Council of the 26th of March, 1877, and 9th of August, 1884, respecting the removal of timber by actual settlers from Indian lands were rescinded, and the following regulations were adopted in place thereof:—

1st. That purchasers of Indian land be required to clear five instead of fifteen acres; no license fee to be charged for the said five acres or dues to be charged upon the timber removed therefrom (pine and spruce being reserved), but each purchaser to be required to declare by written declaration at the time of sale that he intends becoming an actual settler on the land, and to obtain from the agent a license to cut on the five acres.

2nd. That upon it being established to the satisfaction of the Indian agent by affidavit or statutory declaration of two reliable disinterested parties that the purchaser has cleared on the land purchased ready for cultivation and fenced, at least five acres, and that he has built thereon a habitable dwelling house of not less than 18 by 24 feet, and that he resides and that they believe he intends to continue to reside on the said land, the agent may grant him a settler's license covering the land included in the sale to him, which must exceed the area stated in clause one of the Indian land regulations, namely, 400 acres or 640 acres as the case may be.

3rd. That said license shall be issued for one year only on payment of a fee of four dollars (4), which may be renewed yearly on a payment of a fee of one dollar (1), provided there has been no violation of the terms of the said license.

4th. That dues shall be paid on timber cut under said license in accordance with the following tariff, which dues or such portion thereof as may be necessary may be applied on behalf of the purchaser towards payment of the land, and any balance in excess of what is required shall be placed at the credit of Indian funds:—

Oak and black walnut and basswood square timber,	
per M. cubic feet.....	\$30 00
Oak and black walnut and basswood saw logs, per M.	
feet, board measure.....	4 00
Tamarac, elm, beech, ash, maple, hickory and butter-	
nut, per M. cubic feet.....	16 66
For the same, as saw logs, per M. feet, board measure..	2 00
Cedar, birch, basswood and boom timber, per M. cubic	
feet.....	15 00
For the same as saw logs, per M. feet, board measure...	1 00
Hemlock, per M. cubic feet including bark.....	5 00
Hemlock, per M. feet, board measure.....	0 60
Hemlock bark, per cord.....	0 40
Pipe staves. per M. standard.....	15 00
West India do do	5 00
Railway ties, tamarac or cedar, per 100 of 12 inches	
and under at the butt.....	2 00
Telegraph poles, per 100 up to 80 feet long.....	5 00

Indians, &c.

Over and above that length the rate to be increased in proportion to the length.	
Boom timber, per M. cubic feet	6 00
Boom timber, per M. feet, board measure.....	0 40
Cedar pickets, per 100.....	1 00
Tamarac knees, lineal measurement, per M. feet.....	15 00
Shingle bolts, per cord.....	0 40
Shingle bolts, in advantageous localities.....	0 50
Cordwood, hardwood, per cord.....	0 15
do in advantageous localities	0 20
do soft wood, per cord.....	0 10
do in advantageous localities.....	0 12

Vide Canada Gazette. Vol. XXI., p. 2599.

Secretary of State.

By an Order in Council bearing date Friday, the 1st day of June, 1888, in pursuance of section 96 of "The Canada Temperance Act," the Order in Council of the 16th January, 1885, whereby the second part of the said Act was brought into force in the County of Renfrew, was revoked.

Vide Canada Gazette, Vol. XXI, p. 2559.

By an Order in Council bearing date Friday, the 1st day of June, 1888, in pursuance of section 96 of "The Canada Temperance Act," the Order in Council of the 17th January, 1885, whereby the second part of the said Act was brought into force in the County of Norfolk, was revoked.

Vide Canada Gazette, Vol. XXI, p. 2559.

By an Order in Council bearing date Friday, the 1st day of June, 1888, in pursuance of section 96 of "The Canada Temperance Act," the Order in Council of the 12th December, 1884, whereby the second part of the said Act was brought into force in the County of Simcoe, was revoked.

Vide Canada Gazette, Vol. XXI, p. 2560.

By an Order in Council bearing date Friday, the 1st day of June, 1888, in pursuance of section 96 of "The Canada Temperance Act," the Order in Council of the 28th January, 1885, whereby the second part of the said Act was brought into force in the County of Dufferin, was revoked.

Vide Canada Gazette, Vol. XXI, p. 2560.

Secretary of State.

By an Order in Council bearing date Friday, the 1st day of June, 1888, in pursuance of section 96 of "The Canada Temperance Act," the Order in Council of the 20th January, 1885, whereby the second part of the said Act was brought into force in the County of Huron, was revoked.
Vide Canada Gazette, Vol. XXI, p. 2560.

By an Order in Council bearing date Friday, the 1st day of June, 1888, in pursuance of section 96 of "The Canada Temperance Act," the Order in Council of the 17th January, 1885, whereby the second part of the said Act was brought into force in the County of Bruce, was revoked.
Vide Canada Gazette, Vol. XXI, p. 2560.

By an Order in Council bearing date Friday, the 1st day of June, 1888, in pursuance of section 96 of "The Canada Temperance Act," the Order in Council of the 3rd January, 1885, whereby the second part of the said Act was brought into force in the United Counties of Stormont, Dundas and Glengarry, was revoked.
Vide Canada Gazette, Vol. XXI, p. 2560.

By an Order in Council bearing date Friday, the 1st day of June, 1888, in pursuance of section 96 of "The Canada Temperance Act," the Order in Council of the 25th June, 1881, whereby the second part of the said Act was brought into force in the County of Halton, was revoked.
Vide Canada Gazette, Vol. XXI, p. 2561.

By an Order in Council bearing date Monday, 2nd day of July, 1888, in pursuance of section 96 of "The Canada Temperance Act," the Order in Council of the 30th December, 1888, whereby the second part of the said Act was brought into force in the County of Stanstead, was revoked.
Vide Canada Gazette, Vol. XXII, p. 78.

By an Order in Council bearing date Saturday, 17th day of September, 1887, it is declared that no election for the revocation of an Order in Council under the Canada Temperance Act, being Chap. 106 of the Revised Statutes of Canada, shall be authorized to take place earlier than fifteen days before the expiration of three years from the date of the coming into force thereof under such Order in Council.

Vide Canada Gazette, Vol. XXI., p. 657.

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ACTS
OF THE
PARLIAMENT
OF THE
DOMINION OF CANADA,

PASSED IN THE SESSION HELD IN THE
FIFTY-FIRST YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA,

BEING THE
SECOND SESSION OF THE SIXTH PARLIAMENT,

*Begun and holden at Ottawa, on the twenty-third day of February, and
closed by Prorogation on the twenty-second day of May, 1888.*



HIS EXCELLENCY
THE MOST HONORABLE SIR HENRY CHARLES KEITH, MARQUESS OF LANSDOWNE,
GOVERNOR GENERAL.

VOL. I.
PUBLIC GENERAL ACTS.

OTTAWA:
PRINTED BY BROWN CHAMBERLIN,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY,
ANNO DOMINI, 1888.

A. SENECAI,
SUPERINTENDENT OF PRINTING.



51 VICTORIA.

CHAP. I.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial years ending respectively the 30th June, 1888, and the 30th June, 1889, and for other purposes relating to the public service.

[Assented to 22nd May, 1888.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by Messages from His Excellency the Most Honorable the Marquess of Lansdowne, Governor General of Canada, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial years ending respectively the thirtieth day of June, one thousand eight hundred and eighty-eight, and the thirtieth day of June, one thousand eight hundred and eighty-nine, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

Preamble

1. From and out of the Consolidated Revenue Fund of Canada there shall and may be paid and applied a sum not exceeding in the whole one million seven hundred and ninety-four thousand seven hundred and seventy-two dollars and sixty-two cents, towards defraying the several charges and expenses of the public service of Canada, from the first day of July, in the year of Our Lord one thousand eight hundred and eighty-seven, to the thirtieth day of June, in the year of our Lord one thousand eight hundred and eighty-eight, not otherwise provided for, and set forth in Schedule

Sum granted for financial year 1887-88, \$1,794,772.62.

A to this Act, and also for the other purposes in the said schedule mentioned.

Sum granted
for financial
year 1888-89,
\$24,548,591.85

2. From and out of the Consolidated Revenue Fund of Canada there shall and may be paid and applied a sum not exceeding in the whole twenty-four million five hundred and forty-eight thousand five hundred and ninety-one dollars and eighty-five cents, towards defraying the several charges and expenses of the public service of Canada, from the first day of July, in the year of Our Lord one thousand eight hundred and eighty-eight, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and eighty-nine, not otherwise provided for, and set forth in Schedule B to this Act, and also for the other purposes in the said schedule mentioned.

Account to be
rendered in
detail.

3. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next Session of Parliament.

Declaratory
as to certain
loans author-
ized but not
raised.

4. And whereas there remained on the thirty-first day of December last, unborrowed and negotiable, of the loans authorized by Parliament for the several works hereinafter mentioned, and for general purposes, the sums opposite to each, respectively, that is to say :—

For Intercolonial Railway.....	\$2,433,333 38
For opening communication and adminis- tration of the Government in the North- West Territories.....	1,460,000 00
For improvement of the River St. Lawrence..	3,005,000 00
do do Quebec Harbor.....	2,975,000 00
For the Quebec Graving Dock.....	910,000 00
For the Harbor of Three Rivers.....	82,000 00
For the Pacific Railway and Canadian Canals	3,893,333 32
For general purposes, balance	
30th June, 1887.....	10,324,014 33
For Savings Bank with- drawals to 31st December, 1887.....	5,381,439 67
For four per cent. funded debt redeemed to 31st Decem- ber, 1887.....	753,706 77
For Dominion stock redeemed to 31st December, 1887....	85,112 89
For sterling debentures re- deemed to 31st December, 1887.....	240,900 00

\$16,785,173 66

Deduct : — Sav- ings Bank de- posits to 31st December, 1887.....	5,028,223 77		
Currency bonds issued to 31st December, 1887.....	50,000 00	5,078,223 77	11,706,949 89
			<u>\$26,465,616 54</u>

Therefore it is declared and enacted, that the Governor in Council may authorize the raising of the several sums above mentioned, as they may be required for the purposes aforesaid, respectively, under the provisions of "*The Consolidated Revenue and Audit Act*;" and the sums so raised shall form part of the Consolidated Revenue Fund of Canada, out of which like sums shall be applicable to the several purposes aforesaid, under the Acts and provisions thereunto relating respectively.

Such sums
may be raised
under R.S.O.,
c. 29.

Application
of sums so
raised.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the Financial Year ending 30th June, 1888, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
CHARGES OF MANAGEMENT.		
To pay Thomas Crimmen for acting as Savings Bank agent at Newcastle, N.B., from 3rd November, 1886, to 4th November, 1887.		400 00
CIVIL GOVERNMENT.		
Finance Department :— To provide for the salary of J. C. Saunders for one year, from 1st July, 1887.	\$ 650 00	
To pay R. W. Baxter the difference between his own salary and that of the Accountant of Contingencies, whose duties he performed from the 10th March to 30th June, 1886	245 48	
		895 48
Auditor General's Office :— To provide for the salaries of two third class clerks, one from 1st July, 1887, to 30th June, 1888, at \$400 per annum, and one, Iva A. Martin, from 1st August, 1887, to 30th June, 1888, at \$800 per annum, \$733.34.....	\$ 1,133 33	
One messenger, 6 months, at \$500 per annum.....	250 00	
		1,383 33
Department of Indian Affairs :— To compensate D. C. Bliss for performing additional official duty during Mr. Benson's absence for three months on account of illness.	\$ 136 00	
To provide for the payment of arrears of salary to J. D. McLean, promoted from the 2nd to the 1st class by Order in Council of 29th September, 1887.....	77 75	
To provide for the payment to J. A. J. McKenna of arrears of salary as Minister's private secretary, being the difference between \$200 and \$600 per annum, from 28th November, 1887, to 30th June, 1888	236 67	
		450 42
Railways and Canals :— To pay H. A. Fissiault (over 27 years on staff and at same duties, promoted by Order in Council of 3rd September, 1885, from the rank of 1st class clerk to that of chief clerk, from 1st July, 1884, and whose examination, required in ordinary cases, is hereby dispensed with, he being a notary, and therefore possessing technical qualifications) the difference between his salary as a 1st class clerk and that of chief clerk, from 1st July, 1884, to 30th June, 1887, \$750, and from 1st July, 1887, to 30th June, 1888, \$350		1,100 00
Post Office Department :— To provide for payment to G. F. Everett, Assistant Superintendent of the Money Order Branch, for performing the duties of Superintendent during the absence from Canada of J. C. Stewart, the Superintendent, from the 21st July, 1887, to the 4th December, 1887, both days inclusive, being one half the difference between his salary, \$2,300 a year, and that of Mr. Stewart, as Superintendent of the Money Order and Savings Bank Branches, namely, \$2,800, during the period above named, in accordance with Clause 2, Section 51, of "The Civil Service Act"	\$ 93 41	
Carried forward.....	93 41	3,829 23
		400 00

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$ 93 41	3,829 23
CIVIL GOVERNMENT—Continued.		
To provide for payment to D. Matheson, Assistant Superintendent of the Savings Bank Branch, for performing the duties of Superintendent during the absence from Canada of J. C. Stewart, the Superintendent, from the 21st July, 1887, to the 4th December, 1887, both days inclusive, being one half the difference between his salary, \$2,100 a year, and that of Mr. Stewart, as Superintendent of the Money Order and Savings Bank Branches, namely: \$2,800, during the period above named, in accordance with Clause 2, Section 51, of "The Civil Service Act"	130 78	
To provide for payment to W. H. Smithson, Assistant Accountant, for performing the duties of Accountant during the absence on leave of H. A. Wicksteed, the Accountant, from the 1st October, 1887, to the 31st December, 1887, and for acting as Accountant from the 1st to the 31st January, 1888, being the difference between his salary, \$2,400 a year, and that of the Accountant, \$2,800 a year, in accordance with Clause 2, Section 51, of "The Civil Service Act"	133 33	
To provide for payment to J. C. Stewart, of the difference between the amount provided for his salary, \$2,800, as Superintendent of the Money Order and Savings Bank Branches, and his salary, \$3,200 a year, authorized by Order in Council, as Financial Comptroller, from 1st February, 1888...	166 67	
To provide for payment to D. Matheson, of the difference between the amount provided for his salary, \$2,100, as Assistant Superintendent of the Savings Bank Branch, and his salary, \$2,300, authorized by Order in Council, as Superintendent of the Savings Bank Branch, from the 1st February, 1888	83 33	
To provide for payment to Henry Knaut, for translating German into English, and English into German.....	300 00	
	907 52	
Remuneration to Special Messenger for delivery of night mails at the private residences of Ministers and Deputy Heads.....	300 00	
Department of Agriculture:—For allowance for the Secretary of Department for performing the duties of the Deputy Head, from 1st July, 1887, to 30th June, 1888.....	\$ 700 00	
To increase, for technical services, the salary of Alfred Desjardins, who was appointed a clerk of the 3rd class, at a minimum of \$400, in the Patent Branch.	100 00	
To pay J. B. Lynch for special services out of office hours, from 1st July to 31st October, 1887.....	100 00	
	900 00	
Privy Council:—Statutory increase omitted in main Estimate	50 00	
Carried forward.....	50 00	5,936 75
		400 00

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	\$ 50 00	5,936 75
CIVIL GOVERNMENT—Concluded.		400 00
Difference between the salary of the late Mr. Beaudry and that of L. J. Burpee, from 23rd September, 1887, to 30th June, 1888.....	384 72	
Additional amount for contingencies to provide for the payment of Confidential Translation, &c., notwithstanding the 51st section of the Civil Service Act.	100 00	
	534 72	
Department of the Secretary of State :—To pay E. Brouseau \$50 per annum from 1st July, 1880, to 30th June, 1888. An Order in Council granting him \$1,450 from 1st July, 1880, was passed, whilst only \$1,400 was provided by the Estimates of that year, and the annual difference has never been made up.	\$ 400 00	
To pay F. J. Audet, 3rd class Clerk, from 1st February to 30th June, at \$500 per annum.....	208 34	
To pay P. Pelletier, Chief Clerk, from 1st March to 30th June, at \$1,800 per annum.....	600 00	
	1,208 34	
Department of Printing and Stationery :—To pay increase of salary to Thomas Roxborough.....	\$ 37 85	
Further amount required for contingencies.....	3,200 00	
	3,237 85	
Department of Justice :—For allowance to A. Power, Chief Clerk, for performing the duties of the Deputy Head from the date of appointment of Mr. Justice Burbidge to the Exchequer Court (1st Oct. 1887), to the date of the appointment of a Deputy Minister (25th Feb., 1888).....	704 00	
Department of Inland Revenue :—To pay W. Carter the difference between his salary and that of the Secretary of the Department, from 11th November, 1887, to the 19th February, 1888, during the illness of the latter.....	137 52	
		11,759 18
DOMINION POLICE.		
Further amount required to complete the service for the year 1887-88.		500 00
LEGISLATION.		
House of Commons :—To pay the widow of the late R. Campbell, Esq., M.P., amount of his Sessional indemnity and mileage, for Session of 1887.....	\$ 1,021 00	
Sessional indemnity for the late Alexander Robertson, Esq., M.P., payable to his mother, Mrs. Jane Robertson.....	1,000 00	
Balance of indemnity and mileage for the late George Claves, Esq., M.P., payable to his widow.....	983 20	
To meet probable expenses in connection with the trial of corrupt practices at Elections under R.S.C., chapter 9, section 77.....	1,000 00	
To provide for the promotion of W. C. Bowles from the rank of first-class clerk to that of chief clerk, from 1st January, 1888, at \$2,200 per annum.....	200 00	
To cover amount expended, during recess, for extra French translation.....	2,144 00	
Publishing Debates.....	4,592 51	
	10,940 71	
Carried forward.....	10,940 71	12,859 18

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	10,940 71	12,659 18
LEGISLATION—Concluded.		
Franchise Act :—To pay E. G. Pulford, for extra services in connection with the administration of the Franchise Act.....	\$ 200 00	
Printing voters' lists.....	3,600 00	
Further amount required for the Franchise Act, including expenses of bailiffs and clerks caused by the holding of preliminary revisions for 1886 at more than one place in the electoral division—the Act having authorized the holding of the revision at one place only.....	20,000 00	
Expenses actually incurred for advertising, printing, stationery, postage and clerk's services under instructions from revising officers in connection with the expected revision of 1887.....	2,500 00	
	26,300 00	
Library of Parliament :—To pay Joseph Lafontaine, an extra messenger.....	250 00	
Senate:—Amount required to make up the salary of the late Hon. J. B. Plumb, as Speaker, to 30th June, 1888, \$1,204.31; and balance of his Sessional allowance, \$810.....	2,014 31	
		39,505 02
ARTS, AGRICULTURE AND STATISTICS.		
Colonial and Indian Exhibition.....		16,000 00
IMMIGRATION.		
Gratuity to Mr. Charles Foy, late Immigration Agent at Belfast.....		1,000 00
PENSIONS.		
Private Montgomery Smith, No. 5 Company, 26th Battalion—Pension from 26th January, 1872, to 9th July, 1886, inclusive, 4,914 days, at 25 cents.....	\$ 1,228 50	
From 10th July, 1885, to 31st December, 1887, inclusive, 905 days, at 30 cents.....	271 50	
	1,500 00	
Pensions payable on account of North-West Outbreak, 1885, to mounted police, Prince Albert volunteers and police scouts.....	3,000 00	
		4,500 00
MILITIA.		
CONTINGENCIES.		
To provide for the retirement of 2 Deputy Adjutants-General, gratuity of 2 years' pay each, at the rate of \$1,700 per annum, \$3,400 each..	6,800 00	
Barracks in British Columbia.....	4,000 00	
		10,800 00
RAILWAYS AND CANALS.		
<i>(Chargeable to Capital.)</i>		
INTERCOLONIAL RAILWAY.		
Increased accommodation at St. John.....	\$ 2,500 00	
Increased accommodation at Moncton.....	5,000 00	
Carried forward.....	7,500 00	
		84,464 20

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$ 7,500 00	84,464 20
RAILWAYS AND CANALS.		
<i>(Chargeable to Capital)—Concluded.</i>		
INTERCOLONIAL RAILWAY—Concluded.		
Increased accommodation at Rivière du Loup.....	4,000 00	
St. Charles Branch.....	71,000 00	
Pictou Town Branch.....	128,000 00	
Dartmouth Branch.....	6,000 00	
Indiantown Branch.....	5,000 00	
Snow sheds.....	39,000 00	
Rivière du Loup Town Branch.....	400 00	
Construction.....	5,000 00	
Rolling stock.....	38,600 00	
To meet legal expenses in connection with the construction of the Cotton Factory Branch at Halifax, N.S.....	500 00	
	305,000 00	
CANADIAN PACIFIC RAILWAY.		
To meet land claims and expenses on the Pembina Branch..\$	5,000 00	
To meet expenses of arbitration.....	31,500 00	
(This sum includes the remuneration to be paid to L. K. Jones, a permanent officer of the Department of Railways and Canals, as Secretary of the Com- mission, appointed by Order in Council, dated 27th February, 1888, and in addition to his regular salary.)		
To meet legal expenses in the case of Whitehead <i>vs.</i> The Queen.....	500 00	
	37,000 00	
CARLETON BRANCH RAILWAY.		
To reimburse the Intercolonial Railway for accounts paid by that road..	504 17	
		342,504 17
CANALS		
St. Lawrence River and Canals.....	16,000 00	
Carillon Canal.....	1,800 00	
Murray Canal.....	30,000 00	
St. Anne's Canal—To pay a gratuity of two months' salary to the undermentioned persons, whose services are no longer required owing to the completion of the works in connection with the forma- tion of a channel above the lock at St. Anne's, River Ottawa—		
G. H. Henshaw.....\$	333 32	
H. G. Stanton.....	120 00	
Antoine Ranger.....	60 00	
	513 32	
		48,313 32
RAILWAYS AND CANALS.		
<i>(Chargeable to Income.)</i>		
CANALS.		
Lachine—Construction of two bridges for foot passengers.\$	1,600 00	
Chambly—Rebuilding lockwalls, and building new by-wash above Lock No. 2.....	5,000 00	
Rideau—Construction of a bridge at Brass Point.....	1,847 30	
Miscellaneous:—To pay claims and legal expenses for land damages.....	1,300 00	
Construction of new steam dredge and scows.....	14,000 00	
Royal Commission on Canal Leases.....	1,269 16	
	24,516 46	
Carried forward.....	24,516 46	475,281 69

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	24,516 46	475,281 69
RAILWAYS AND CANALS.		
(Chargeable to Income)—Concluded.		
RAILWAYS.		
Royal Commission on Railways.....	10,000 00	34,516 46
PUBLIC WORKS.		
(Chargeable to Capital.)		
ESQUIMALT GRAVING DOCK.		
To complete dock	50,000 00	
For settlement of Messrs. F. B. McNamee & Co.'s claim arising out of their contract for the construction of this dock with the Government of British Columbia, in accordance with the recommendations made by a Select Committee of the House of Commons of the Dominion of Canada, at the Session of 1887.....	17,383 15	67,383 15
PUBLIC WORKS.		
(Chargeable to Income.)		
PUBLIC BUILDINGS.		
<i>New Brunswick.</i>		
Newcastle Post Office, Custom House, &c.—Balance due on contract, works, &c	\$ 4,677 45	
<i>Quebec.</i>		
Montreal Drill Hall and Armories.....	25,500 00	
Montreal Custom House—Re-covering roof with copper...	6,200 00	
Montreal Post Office—Improvements.....	2,000 00	
St. Régis Custom House—Repairs, &c.....	300 00	
St. Vincent de Paul Penitentiary.....	13,600 00	
Grosse Isle Quarantine Station—Disinfecting house.....	5,000 00	
Montreal Custom House—Removal of boiler from cellar to ground floor.....	3,700 00	
<i>Ontario.</i>		
Hamilton Post Office, Custom House, &c.....	2,080 00	
Kingston Custom House—Repairs.....	1,800 00	
Parliament Buildings, Ottawa—Improvements, furniture, &c., Speakers' apartments, Senate and House of Commons.....	6,000 00	
Toronto Post Office	1,250 00	
Supreme Court Building, Ottawa—Fitting up apartments for Exchequer Court, furniture, &c.....	3,000 00	
Victoria Hall—Alterations and fittings in connection with transfer of National Art Gallery from the Supreme Court building to this hall.....	3,500 00	
Toronto Examining Warehouse.....	5,287 51	
Carried forward.....	83,894 96	577,181 30

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$83,894 96	577,181 30
PUBLIC WORKS.		
(Chargeable to Income)—Continued.		
<i>Ontario—Concluded.</i>		
Victoria Hall, Ottawa—Half lot purchased on Queen Street, Ottawa, in rear of hall	1,550 00	
St Catharines Public Building—Improvements, &c.....	1,500 00	
Kingston Penitentiary	6,000 00	
<i>Manitoba.</i>		
Winnipeg Mounted Infantry School.	2,216 85	
<i>North-West Territories.</i>		
McLeod Custom House.....	1,000 00	
Regina Jail and Lunatic Asylum.....	6,000 00	
Regina Court House	720 00	
North-West Mounted Police Buildings	27,600 00	
		130,481 81
REPAIRS, FURNITURE, HEATING, &c.		
Ottawa Geological Museum—Fitting up top flat of adjoining building for use in connection with Museum, furniture, &c.	\$ 2,050 00	
Set of pigeon hole cases for use of Distribution Office, House of Commons.....	175 00	
Rent of site of old Parliament House, Quebec, for year ending 30th June, 1888	4,444 44	
Safes for Montreal Post Office.....	658 75	
Water, Dominion Public Buildings—Special water rates imposed by the Quebec City Corporation on Post Office building to meet outlay for new main, &c., viz., for the years 1884-85, 1885-86, 1886-87 and 1887-88.....	2,774 00	
Temporary offices for organization of new Government Printing Bureau—Rent and repairs.....	275 00	
Additional amount required to meet disbursements for petty repairs, &c., in connection with Dominion Public Buildings, hitherto made by the various departments occupying the offices	2,000 00	
		12,377 19
HARBORS AND RIVERS.		
<i>Nova Scotia.</i>		
Great Tancook Island	\$ 1,200 00	
Sheet Harbor.....	2,000 00	
Margaretsville Breakwater	1,300 00	
Economy Breakwater	1,300 00	
<i>New Brunswick.</i>		
Dalhousie Ballast Wharf.....	1,000 00	
Carried forward.....	6,800 00	142,859 00
		577,181 30

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$ 6,800 00	142,859 00
PUBLIC WORKS.		
<i>(Chargeable to Income)—Concluded.</i>		
HARBORS AND RIVERS—Concluded.		
<i>Quebec.</i>		
Longueuil	\$ 2,600 00	
River Nicolet.....	4,269 25	
General repairs and improvements.....	7,000 00	
New Carlisle.....	800 00	
Rivière du Lièvre.....	17,500 00	
<i>Ontario.</i>		
Little Nation River—Removal of obstructions.....	1,000 00	
<i>Manitoba.</i>		
General repairs and improvements, harbors and rivers.	1,500 00	
<i>North-West Territories.</i>		
North Saskatchewan River	6,000 00	
	47,469 25	
DREDGING.		
New Dredging Plant	\$ 12,000 00	
Dredging—Quebec.....	3,000 00	
do Manitoba	5,000 00	
	20,000 00	
ROADS AND BRIDGES.		
Bridge across the Bow River, near Calgary—To complete.\$	6,500 00	
Reconstruction of roadway leading from Rideau Canal to dynamo house, at base of Parliament Hill, including new retaining wall.....	9,000 00	
	15,500 00	
MISCELLANEOUS.		
Surveys and inspections.....	6,000 00	
<i>Arbitrations and Awards.</i>		
Settlement of claim of Madam Henrietta Ausboro Ennis, for salary due her late husband as Secretary of the Official Arbitrators, in accord- ance with judgment of Exchequer Court in her favor.....	6,515 38	
TELEGRAPH LINES.		
<i>Telegraph Lines, North-West Territories.</i>		
Line between Battleford and Edmonton <i>via</i> Fort Pitt.....\$	650 00	
Line between Clark's Crossing and Prince Albert, includ- ing deviations to Stobart and Batoche—Re-poling, &c.	6,500 00	
	7,150 00	
		245,493 63
Carried forward.....		822,674 93

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....		822,674 93
LIGHTHOUSE AND COAST SERVICE.		
To provide for costs of defendant in suit <i>Queen vs. George McLeod</i> , owner of ship "Minnie Gordon".....	509 80	
Signal service.....	1,000 00	1,509 80
FISHERIES.		
Fisheries, New Brunswick.....	3,000 00	
To pay balance of expenses in connection with the Lobster and Oyster Commission	1,979 19	
To pay litigation in <i>re</i> schooner "David J. Adams".....	3,369 53	
To pay J. M. Oxley for services in <i>re</i> Fisheries Protection Service.....	15 00	
To pay W. H. Hayes for services in connection with Fishing Bounty payments	42 00	8,405 72
INDIANS.		
ONTARIO AND QUEBEC.		
To enable the Department to meet the expenses of the commission appointed under Order in Council to examine and report upon the claims of lessees of Indian Lands in the Township of Dundee, to obtain titles in fee.....	\$ 4,000 00	
To pay Miss O. F. Ryerson for copying surrenders of Indian lands, 965 folios, at 5c.....	48 25	
Grant in aid of the Students' Fund of the Mohawk Institution at Brantford.....	392 29	
To enable the Department to relieve cases of distress amongst Indians of Ontario.....	300 00	4,740 54
BRITISH COLUMBIA.		
To remunerate the Hon. Clement Cornwall for services rendered by him as a special Commissioner to enquire into Indian matters on the north-west coast of British Columbia... \$ 900 00		
And to reimburse living expenses paid by him while engaged on that service, forty days, at \$5.....	200 00	
	\$ 1,100 00	
To cover the cost of expenses incurred in the employment of the Dominion steamer "Sir James Douglas" with two Commissioners (one of whom was the Hon. Mr. Cornwall) attended by Secretary, Interpreters and servants	1,317 80	
To provide for ditching and breaking up lands in St. Mary's Reserve, Kootenay.....	300 00	2,717 80
NORTH-WEST TERRITORIES.		
Grant in aid of the hospital at St. Albert's Mission, at which Indians frequently receive treatment.....	\$ 200 00	
To provide for an increase to the salary of Mr. Hayter Reed, Assistant Indian Commissioner, from \$2,000 to \$2,400	400 00	
To provide for the payment to the North-West Coal and Navigation Company of expenses incurred by it on account of preliminary steps taken to develop coal deposits within the districts afterwards included in the Blackfoot Reserve, under the authority of Order in Council of 15th October, 1887	2,481 00	
Carried forward.....	3,081 00	7,458 34
		832,590 45

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$ 3,081 00	7,458 34 832,590 45
INDIANS—Concluded.		
NORTH-WEST TERRITORIES—Concluded.		
To provide an additional grant of \$30 per head to each of nineteen pupils at the McDougall Orphanage at Morleyville.....	570 00	
To provide salary for eight months, from 1st November, 1887, to 30th June, 1888, for J. A. Macrae, appointed Inspector of Protestant schools in the North-West Territories, under Order in Council of 27th October, 1887.....	800 00	
To provide a similar payment for Mr. Albert Betournay, appointed Inspector of Roman Catholic schools in the North-West Territories, under Order in Council of 22nd December, 1887.....	800 00	
For an additional grant of \$30 per head for each of fifty pupils at the St. Albert's Institution.....	1,500 00	
For salary to the teacher of an Indian school at Isle à la Crosse.....	300 00	
	7,051 00	14,509 34
NORTH-WEST MOUNTED POLICE.		
Required to complete the service for the year.....		100,000 00
MISCELLANEOUS.		
To meet expenses of Royal Labor Commission.....	40,000 00	
To meet expenses of Washington Fishery Commission.....	18,000 00	
Printing and distributing Criminal Statutes.....	8,600 00	
To pay difference between \$600 and \$700 in salary of F. F. Payne, employed as one of the observers on the Hudson Bay Expedition, from 1st November, 1886, to 1st July, 1887.....	66 64	
To pay W. E. Hodgins for completion of correspondence, petitions, reports and Orders in Council respecting Provincial legislation. ...	350 00	
Canada Gazette.....	800 00	
Organization of Printing Bureau.....	1,250 00	
To pay Messrs. Rowsell & Hutchison for twelve copies each of volumes twelve and thirteen of Ontario Law Reports.....	120 00	
To pay C. E. Rouleau for twenty-five copies of Débats du Conseil Législatif, Québec.....	75 00	
To meet expenditure in connection with consolidation and preparation of Orders in Council.....	6,300 00	
To meet expenditure in connection with preparation of supplementary volume to the Orders in Council.....	1,000 00	
To pay a gratuity of two months' salary to the widow of the late Hugh Gavin, diver and carpenter on the Lachine Canal for the last forty-one years.....	91 00	
Amount required for lithographing statistical diagrams.....	3,110 00	
Gratuity to the widow of the late George Eyvel, one of the official reporters of the House of Commons.....	1,000 00	
To pay for the undermentioned works for Library exchanges, &c. :—		
Fifty copies of Bourinot's Local Government in Canada.....	15 00	
Twenty-five copies of Banks and Banking and the Mercantile Law of Canada.....	43 75	
Forty copies of the Débats de la Législature de Québec for 1887....	320 00	
Twenty-five copies of L'Abbé Tanguay's Dictionnaire Généalogique, volumes two, three and four, at \$4 per copy.....	300 00	
Twenty-five copies of L'Abbé Casgrain's Pèlerinage au pays d'Évangéline, at \$1 per copy.....	25 00	
Carried forward.....	81,466 39	947,099 79

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	81,466 39	947,099 79
MISCELLANEOUS—Concluded.		
Twenty-five copies of Chauveau's <i>Frédéric Ozanam et ses œuvres</i> , at \$1.50 per copy	37 50	
Twenty-five copies of Béchard's <i>La Paroisse de St. Augustin</i> , at \$1 per copy	25 00	
Twenty-five copies of Taché's <i>Les Hommes du jour</i> , at 50 cents per copy	12 50	
To provide for payment to La Société de Colonization de Manitoba in lieu of a free grant of land to which the Society is entitled.....	1,600 00	
Further amount required to pay for the survey, construction of roads, bridges and other necessary works in connection with the Hot Springs Reservation near Banff Station, North-West Territories....	8,782 64	
To pay Mr. Justice Macleod rental allowance, in lieu of free quarters, from 1st July, 1884, to 17th March, 1887	1,356 17	
Further amount required to provide for the clothing and maintenance of patients from the district of Keewatin, in the Manitoba Asylum for the insane.....	3,500 00	
Further amount required to provide for the clothing and maintenance of patients from the North-West Territories in the Manitoba Asylum for the insane.....	4,000 00	
Amount required to cover the salary and expenses of a Forestry Commissioner	3,396 00	
Further amount required to provide for the expenses in connection with the Commission for the settlement of the Half-breed Claims in the North-West Territories (including \$500 to N. O. Coté, for services as Commissioner, notwithstanding anything in the Civil Service Act to the contrary).....	5,000 00	
To provide an allowance of two months' pay to the widow of the late Henry J. Derham, an extra clerk of over seven years' service in the Patent Branch, who died 1st January, 1888.....	120 00	
Gratuity of two months salary to the widow of the late Thomas Lambkin, in his lifetime employed as Messenger and Watchman in the Department of Public Works.....	90 00	
Gratuity to the widow of the late W. F. Fanning, for 50 years in the service of the Customs, Quebec.....	100 00	
		109,486 20
COLLECTION OF REVENUES.		
CUSTOMS		
To cover amount expended under authority of a Governor General's Warrant, in the purchase of the steam launch "Argus," for use of Customs Officers at the Port of Halifax.....	\$4,680 54	
To pay A. J. McKenzie, Surveyor, in Her Majesty's Customs at Hamilton, an allowance in addition to his salary, for services as Acting Collector, from 1st November, 1884, to 1st February, 1887.....	1,237 50	
A mount to cover the Canadian contribution to the proposed international Bureau at Brussels for the purpose of collecting, translating, publishing and distributing information relating to Customs Tariffs.....	500 00	
		6,418 04
EXCISE.		
To pay Peter Kastner the sum of \$210.44, duty on malt used in the manufacture of beer, destroyed by fire 24th August, 1881, authorized by Order in Council of 20th September, 1887.....	210 44	
To increase the salary of Albert Lafontaine, Excise Officer, Joliette, from \$400 to \$500, from 1st July, 1887.	100 00	
		310 44
Carried forward.....	6,728 48	1,056,585 99

SCHEDULE A—*Concluded.*

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	6,728 48	1,056,585 99
COLLECTION OF REVENUES— <i>Concluded.</i>		
CULLING TIMBER.		
Cullers' Contingencies.....	1,500 00	
RAILWAYS AND CANALS.		
<i>Repairs and Working Expenses.</i>		
Intercolonial Railway.....	\$477,000 00	
Cornwall Canal.....	1,500 00	
Williamsburgh.....	200 00	
Rideau.....	7,000 00	
St. Ours.....	350 00	
Chambly.....	850 00	
Dredge vessels.....	4,000 00	
To pay J. A. Phelan, Collector of Canal Tolls, Cornwall, for loss sustained by him by destruction of household effects by flood.....	125 00	
Canal Contingencies.....	1,500 00	
	492,525 00	
GAS INSPECTION CONTINGENCIES.....	1,000 00	
ADULTERATION OF FOOD.....	1,000 00	
MINOR REVENUES.		
Further amount required for Ordnance Lands.....	1,383 28	
POST OFFICE.		
To complete the year's provisional allowance in Manitoba..	\$4,000 00	
To complete the year's provisional allowance in British Columbia.....	1,000 00	
	5,000 00	
DOMINION LANDS.		
Further amount to complete the service for the year.....	4,603 00	
		513,739 76
TERRITORIAL ACCOUNTS.		
<i>(Chargeable to Capital.)</i>		
Further amount required to purchase and supply Seed Grain, as a loan, to remote sections of the North-West Territories.....	3,000 00	
Further amount required to meet expenses in connection with the suppression of the Outbreak.....	95,000 00	
Amount required for compensation to Alexander Hemla and Julien Cardinal, for services rendered during the Outbreak, \$250 each....	500 00	
To pay J. W. McKeen, for loss of time and health by reason of his being made a prisoner during the North-West Outbreak.....	100 00	
		98,600 00
UNPROVIDED ITEMS.		
Unprovided items, 1886-87 as shown by the Auditor General's report for 1886-87, pages 46 to 53.....		125,846 87
Total.....		1,794,772 62

SCHEDULE B.

SUMS granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1889, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
CHARGES OF MANAGEMENT.		
Financial Inspector.....	2,600 00	
Assistant Financial Inspector.....	1,700 00	
Office of Assistant Receiver-General, Toronto.....	7,600 00	
do do Montreal.....	5,800 00	
do do Halifax.....	10,000 00	
do do St. John.....	8,000 00	
Auditor and do Winnipeg.....	6,600 00	
do do Victoria.....	7,600 00	
do do Charlottetown.....	4,900 00	
Country Savings Banks, New Brunswick, Nova Scotia and British Columbia, salaries.....	15,000 00	
Country Savings Banks, New Brunswick, Nova Scotia and British Columbia, contingencies.....	3,000 00	
Commission on \$6,729,400.10, for payment of interest on Public Debt.	33,647 00	
Brokerage on purchases for Sinking Funds, viz. :—		
Intercolonial Railway Loan.....	768 24	
Rupert's Land Loan.....	78 66	
British Columbia Loan.....	41 45	
Brokerage and commission on purchases for Sinking Funds, viz. :—		
Dominion Loans of 1874, 1875, 1876, 1878 and 1879.....	4,870 74	
Dominion Loan of 1884.....	1,042 70	
do Canada reduced.....	3,970 14	
English bill stamps, postages, telegrams, &c.....	2,000 00	
Expenses in connection with the issue and redemption of Dominion Notes.....	9,000 00	
Printing Dominion Notes.....	40,000 00	
Printing, advertising, inspection, expressage, miscellaneous charges, &c., including commutation of stamp duty.....	17,000 00	
		185,018 93
CIVIL GOVERNMENT.		
The Governor General's Secretary's Office.....	9,750 00	
The Office of the Queen's Privy Council for Canada.....	25,462 50	
The Department of Justice.....	19,925 00	
do do Penitentiaries Branch.....	6,150 00	
do do Militia.....	42,600 00	
do do Secretary of State.....	31,037 50	
do do Public Printing and Stationery.....	22,620 82	
do do Interior.....	126,757 50	
North-West Mounted Police.....	8,580 00	
The Department of Indian Affairs.....	40,647 50	
The Office of the Auditor General.....	25,750 00	
The Department of Finance and Treasury Board.....	53,980 00	
do Inland Revenue.....	41,175 00	
do Customs.....	34,650 00	
do Postmaster-General.....	185,075 00	
do Agriculture.....	51,220 00	
do Marine.....	24,912 50	
do Fisheries.....	15,425 00	
do Public Works.....	43,510 00	
do Railways and Canals.....	47,980 00	
Departmental contingencies.....	199,250 00	
Stationery Office, for stationery.....	10,000 00	
Carried forward.....	1,066,458 32	185,018 93

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts
Brought forward.....	1,066,458 32	185,018 93
CIVIL GOVERNMENT—Continued.		
Amount required to provide for the contingent expenses of the High Commissioner for Canada in London.....	2,000 00	
Amount estimated to be required for taxes and insurance for High Commissioner's residence, including income tax.....	1,200 00	
Post Office and Finance Departments—Contingencies—Amount required to make payment to those officers of the Savings Bank Branch, Post Office and Finance Departments, engaged in the balancing of, and computing interest on depositors' accounts, to 30th June, 1888:—		
Post Office Department.....	\$ 1,850 00	
Finance do	1,250 00	
	3,100 00	
Amount required for salaries of Board of Examiners and other expenses in connection with the Civil Service Act.....	6,000 00	
Contingencies:—Remuneration to special Messenger for delivery of night mails at the private residences of Ministers and Deputies.....	300 00	
Department of Justice:—To provide for statutory increase to V. Webb, Messenger.....	\$ 30 00	
To pay A. J. Horan an increase of salary on account of two optional subjects	100 00	
	130 00	
Department of Printing and Stationery:—Salary of one Second Class Clerk, T. Roxborough.....	\$ 1,150 00	
Salary of one Third Class Clerk, J. Hughes.....	550 00	
	1,700 00	
North-West Mounted Police:—To provide for an increase of salary to L. Fortescue.....	100 00	
Post Office Department:—To provide for the salary of the Chief Clerk, Cashier, from the 1st July to the 30th September, at the rate of \$2,400 a year.....	600 00	
Department of Indian Affairs:—To increase the salary of John Austin, Clerk in the Registry Branch, from \$700 to \$850 per annum.....	\$ 150 00	
To increase the salary of Martin Benson, Clerk in the Correspondence Branch, from \$1,300 to \$1,350 per annum.....	50 00	
To increase the salary of Joseph Delisle from \$950 to \$1,000 per annum.....	50 00	
	250 00	
Privy Council:—To provide for the promotion of one Third Class Clerk to a Second Class Clerkship.....	\$ 1,100 00	
To provide for an increase of salary to a Messenger from \$440 to \$470, to date from 1st January, 1889.	30 00	
Contingencies:—To provide payment for confidential translation, &c., notwithstanding the 51st section of the Civil Service Act.....	100 00	
	1,230 00	
Department of Marine:—To provide for the promotion of a First Class Clerk to a Chief Clerkship.....	\$ 50 00	
To provide for the promotion of a Third Class Clerk to the rank of Second.....	100 00	
	150 00	
Department of the Secretary of State:—To pay L. A. Catellier, Deputy Registrar-General, in addition to his salary as Chief Clerk.....	\$ 400 00	
To provide for the salary of one Third Class Clerk, M. F. J. Audet.....	512 50	
To provide for salary of the Chief Clerk, P. Pelletier...	1,812 50	
	2,725 00	
Carried forward.....	1,085,943 32	185,018 93

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	1,085,943 32	185,018 93
CIVIL GOVERNMENT—Concluded.		
Department of Inland Revenue :—To pay W. Himsworth, Secretary of the Department.....	200 00	
Auditor General's Office :—To increase the salary of Mr. Patterson, Assistant Auditor, from 1st July, 1887, \$200 annually.....	400 00	1,086,543 32
ADMINISTRATION OF JUSTICE.		
Miscellaneous Justice, including North-West Territories.....	20,000 00	
Travelling expenses of Judges in the North-West Territories.....	4,000 00	
Circuit allowances, British Columbia.....	6,000 00	
Travelling allowances, Supreme and County Court Judges, Manitoba.	2,500 00	
Reporter of the Supreme Court of Canada	2,300 00	
Assistant Reporter of the Supreme Court of Canada, Second Class Clerk.....	1,200 00	
Clerk in the office of the Registrar of the Supreme Court of Canada	1,000 00	
Second Clerk in the office of the Registrar of the Supreme Court of Canada.....	850 00	
Senior Messenger of the Supreme Court of Canada	500 00	
Second Messenger of the Supreme Court of Canada	500 00	
Third Messenger of the Supreme Court of Canada	430 00	
Clerk, Stenographer, Exchequer Court.....	800 00	
Messenger, Exchequer Court.....	300 00	
Contingencies and disbursements; Judges' travelling expenses; also salaries of officers (Sheriff, Registrar as Editor of Reports, Usher, &c.) in the Supreme and Exchequer Courts of Canada, and \$150 for books for Judges.....	5,000 00	
Printing, binding and distributing the Supreme Court reports.....	2,000 00	
Sundry disbursements connected with the Maritime Court of Ontario, Judges' travelling expenses, &c.	100 00	
Salary of Registrar of the Vice-Admiralty Court, Quebec	666 66	
Salary of Marshal of Vice-Admiralty Court, Quebec.....	333 34	
To provide Vice-Admiralty Court Rooms, St. John, N.B.....	150 00	
To provide Vice-Admiralty Court Rooms, Halifax.....	150 00	
For the purchase of law reports and text books for the Supreme Court Library	1,500 00	50,280 00
DOMINION POLICE.		
Dominion Police.....	16,500 00	
Further amount required to complete the service of the year.....	1,100 00	17,600 00
PENITENTIARIES.		
Kingston.....	118,429 85	
St. Vincent de Paul	85,654 79	
Dorchester.....	46,304 50	
Manitoba	49,914 48	
British Columbia.....	43,827 85	
Regina Jail	13,000 00	
Dorchester Penitentiary—To provide for an increase to one Messenger.	50 00	357,181 47
LEGISLATION.		
SENATE.		
Salaries and contingent expenses of the Senate.....	60,538 00	
To pay amount of sessional indemnity to Hon. Mr. Fortin, who was prevented by illness from attending Parliament.....	1,000 00	
Carried forward.....	61,538 00	1,696,623 72

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts
Brought forward.....	61,538 00	1,696,623 72
LEGISLATION—Concluded.		
HOUSE OF COMMONS.		
Salary of the Deputy Speaker.....	2,000 00	
Salaries, per Clerk's estimate.....	66,650 00	
Expenses of Committees, Extra Sessional Clerks, &c.....	13,200 00	
Contingencies.....	24,000 00	
Publishing Debates, House of Commons. (The authority required by section 51 of "The Civil Service Act," is hereby given for paying out of this vote such sums as may be required to pay such employees of the Civil Service as it is necessary to employ to do duty as amanuenses to the Debates Staff of the House of Commons, for the present Session).....	40,000 00	
Salaries and contingencies, per Sergeant-at-Arms' estimate.....	33,462 50	
To provide for the promotion of W. C. Bowles, from the rank of First Class Clerk to that of Chief Clerk, for the year ending 30th June, 1889	400 00	
To provide for the promotion of Trefflé Ouimet, from the rank of Third Class Clerk to that of Second Class, at \$1,100 per annum	100 00	
To provide for an increase of salary to Wilfred Dubé, Third Class Clerk	50 00	
To provide for an increase of salary to F. X. Lemieux, Third Class Clerk.....	50 00	
To pay the widow of the late Hon. Thos. White the balance of his sessional indemnity	675 00	
To pay the widow of the late Athanase Gaudet, Esq., M.P., the balance of his sessional indemnity and mileage	545 00	
To pay to C. J. Coursol, Esq., M.P., absent through illness, balance of his sessional indemnity and mileage	965 40	
Franchise Act :— Printing voters' lists.....	15,500 00	
MISCELLANEOUS.		
Salaries of officers of the Library.....	16,630 00	
Grant to Parliamentary Library	10,000 00	
Purchase of works on America	1,000 00	
Contingencies of the Library.....	2,500 00	
Binding newspapers, &c.....	2,000 00	
Preparing and reprinting the catalogue of the Library of American History	2,500 00	
Printing, binding and distributing the Laws.....	10,000 00	
Printing, printing paper and book-binding.....	80,000 00	
		383,765 90
ARTS, AGRICULTURE AND STATISTICS.		
For care of Archives.....	6,000 00	
For expenses in connection with Patent Record.....	9,500 00	
For expenses in connection with preparation of Criminal Statistics.....	4,000 00	
For expenses in connection with Health Statistics.....	10,000 00	
Outlay towards the establishment and maintenance of Experimental Farms.....	90,000 00	
Aid to Agricultural Societies in the North-West Territories.....	10,000 00	
Census and Statistics.....	7,500 00	
		137,000 00
IMMIGRATION.		
Salaries of Agents and Employees, viz :— Agent, Quebec	1,700 00	
Assistant Agent, Quebec.....	1,100 00	
Carried forward.....	2,800 00	2,217,389 62

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	2,800 00	2,217,389 62
IMMIGRATION—Concluded.		
Salaries of Agents, &c.—Concluded.		
Olerk, Quebec.....	1,000 00	
Interpreter, Quebec.....	660 00	
Messenger, Quebec.....	365 00	
Agent, Montreal.....	1,300 00	
do Ottawa.....	1,300 00	
do Kingston.....	1,300 00	
do Toronto.....	1,650 00	
do Hamilton.....	1,250 00	
do London, Ont.....	1,000 00	
do Halifax.....	1,000 00	
do St. John, N.B.....	1,000 00	
do Winnipeg.....	1,400 00	
do Emerson.....	1,000 00	
do Brandon.....	1,400 00	
do Qu'Appelle.....	1,400 00	
do Medicine Hat.....	1,200 00	
do Calgary.....	1,200 00	
do Port Arthur.....	1,000 00	
do Victoria, B.C.....	1,000 00	
Interpreter, Winnipeg.....	800 00	
Salaries, London Office, England.....	7,554 00	
do Agents, Europe.....	6,700 00	
Travelling expenses, Agents, Europe.....	5,110 00	
Contingencies, Canadian Agencies.....	21,000 00	
Aid to Women's Protective Immigration Society, Montreal.....	1,000 00	
Towards Immigration and Immigration expenses.....	50,000 00	
		116,389 00
QUARANTINE.		
Medical inspection, Quebec.....	1,600 00	
Quarantine, Grosse Isle.....	13,564 16	
do St. John, N.B.....	2,600 00	
do Pictou, N.S.....	800 00	
do Halifax, N.S.....	3,400 00	
do Charlottetown, P.E.I.....	1,000 00	
do Victoria, B.C.....	1,900 00	
do Sydney, N.S.....	1,900 00	
do Chatham, Miramichi, N.B.....	600 00	
do Port Hawkesbury, N.S.....	300 00	
Tracadie Lazaretto.....	3,200 00	
To meet expenses of precautionary measures for Public Health.....	15,000 00	
To meet expenses for Cattle Quarantines:—		
Province of Quebec.....	5,000 00	
do Ontario.....	3,000 00	
Maritime Provinces.....	3,000 00	
Province of Manitoba.....	2,000 00	
To meet possible expenses for sheep scab and cattle diseases.....	10,000 00	
For payment for immigrant patients in Winnipeg and St. Boniface Hospitals.....	10,000 00	
Towards acquiring steam tug for the inspection service under the new quarantine regulations at Grosse Isle.....	14,000 00	
		92,864 16
PENSIONS.		
Lady Cartier.....	1,200 00	
Mrs. Delany, wife of Indian Agent killed at Frog Lake.....	400 00	
Pensions payable on account of Fenian Raid.....	3,355 60	
To meet probable amount required for Veterans of War of 1812.....	4,530 00	
Carried forward.....	9,485 60	2,426,642 78

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts
Brought forward.....	9,485 60	2,426,642 78
PENSIONS—Concluded.		
Compensation to Pensioners in lieu of land.....	2,100 00	
Pensions payable on account of Rebellion of 1885, to Militiamen.....	25,000 00	
do do do Mounted Police, Prince Albert Volunteers and Police Scouts.....	4,324 91	
To repay the Government of Prince Edward Island the amount paid by that Province annually on account of pensions, from 1st July, 1873, and interest thereon, from dates of payment to 30th June, 1888—		
Sir Robert Hodgson, pension, \$4,029.87 interest, \$2,094.49.....	6,124 86	
To pay a pension of \$400 per annum to Mrs. Gowanlock, from the date of her husband's death, 1st April, 1885, to 30th June, 1889.....	1,700 00	48,734 87
MILITIA.		
Salaries, Military Branch and District Staff.....	14,100 00	
Brigade Majors' salaries, transport expenses, &c.....	15,100 00	
Ammunition, including artillery ammunition, and manu- facture of small arm ammunition at the Cartridge Factory at Quebec.....	\$55,000 00	
Clothing and great coats.....	90,000 00	
Military stores.....	60,000 00	
	205,000 00	
Public armories and care of arms, including pay of Storekeepers, Care- takers, Storemen and Armorsers.....	60,000 00	
Drill instruction.....	\$ 40,000 00	
Drill pay and other incidental expenses connected with the drill and training of the Militia.....	250,000 00	
	290,000 00	
Contingencies and general services not otherwise provided for, in- cluding grants to Artillery and Rifle Associations and Bands of efficient corps.....	38,000 00	
Government grant to the Dominion of Canada Rifle Association.....	10,000 00	
Dominion Artillery Association—Government grant towards Artillery competition to be held in Canada, or for sending a team of Dominion Artillerymen to compete at Shoeburyness, England.....	2,000 00	
Improved rifled ordnance.....	59,000 00	
Royal Military College of Canada.....	3,000 00	
Permanent Forces—Pay and maintenance of "A," "B" and "C" Batteries, Schools of Artillery, at Quebec, Kingston and Victoria, B.O.....	\$172,700 00	
Cavalry and Infantry Schools, at Quebec, Fredericton, St. John's P.Q., Toronto, London and Winnipeg.....	350,000 00	
	522,700 00	
Military Properties—Drill sheds and rifle ranges.....	\$ 10,000 00	
Care and maintenance of military properties.....	12,000 00	
Construction and repairs of military properties.....	75,000 00	
	97,000 00	
Barracks in British Columbia.....	4,000 00	1,319,900 00
RAILWAYS AND CANALS.		
<i>(Chargeable to Capital.)</i>		
RAILWAYS.		
<i>Canadian Pacific Railway.</i>		
Construction (including the remuneration to be paid to L. K. Jones, a permanent officer of the Department of Railways and Canals, as Secretary of the Commission of Arbitrators, appoint- ed by Order in Council, dated 27th February, 1888, and in addition to his regular salary).....	190,000 00	
Carried forward.....	190,000 00	3,795,277 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	190,000 00	3,795,277 65
RAILWAYS AND CANALS.		
<i>(Chargeable to Capital)</i> —Concluded.		
RAILWAYS—Concluded.		
<i>Canadian Pacific Railway</i> —Concluded.		
To pay L. K. Jones, for services as Private Secretary to the Chief Engineer of the Canadian Pacific Railway, from 1st July, 1888, to 30th June, 1889.....	100 00	
<i>Intercolonial Railway.</i>		
Increased accommodation at St. John	3,500 00	
Increased accommodation at Spring Hill	4,000 00	
Increased accommodation at Macan Station	3,000 00	
Increased accommodation at Moncton.....	5,000 00	
St. Charles Branch	188,000 00	
Pictou Town Branch.....	34,000 00	
Dalhousie Branch.....	17,000 00	
Dartmouth Branch.....	16,000 00	
Indiantown Branch.....	15,000 00	
Construction	7,000 00	
Heating cars by steam and lighting by electricity.....	25,000 00	
Rolling stock.....	32,000 00	
<i>Cape Breton Railway.</i>		
Construction.....	800,000 00	
<i>Oxford and New Glasgow Railway.</i>		
Construction.....	750,000 00	
<i>Eastern Extension Railway.</i>		
Eastern Extension Railway	33,000 00	
CANALS.		
Sault Ste. Marie.....	997,650 00	
Lachine	88,000 00	
Cornwall.....	724,000 00	
Williamsburgh :—		
Towards enlarging the Farran's Point division.....	100,000 00	
For the construction of an entrance and lock at the head of Rapide Plat Canal	73,000 00	
Towards the improvement of the works at the head of the Galops Canal	183,000 00	
St. Lawrence River and Canals—Lake St. Louis and Canal between Lakes St. Louis and St. Francis.....	300,000 00	
St. Lawrence River, Lake St. Louis	30,000 00	
Murray—Towards completing the present works.....	75,000 00	
Welland.....	64,400 00	
do Towards deepening to 14 feet throughout.....	190,000 00	
do Land and damages, Grand River.....	13,500 00	
Trent River Navigation—For construction of locks and the improvement of navigation between Lakefield and Balsam Lake	88,000 00	
Ste. Anne.....	24,640 00	
Grenville.....	7,000 00	
Tay.....	78,000 00	
Culbute—To remove a shoal above the locks, land damages and works connected with the retaining dams.....	21,000 00	
		5,179,790 00
Carried forward.....		18,975,067 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....		8,975,067 65
RAILWAYS AND CANALS.		
(Chargeable to Income.)		
CANALS.		
<i>Beauharnois Canal.</i>		
Cleaning out bottom of Canal	10,150 00	
<i>Welland Canal.</i>		
Weirs and dam at Dunnville.....	13,000 00	
Towards filling a pond at St. Catharines.....	5,000 00	
Bridge over old Lock No. 2 and road.....	6,000 00	
Overhauling the superstructure of the pier at Port Dalhousie.....	15,000 00	
Construction of a new highway bridge over the river at the Town of Chippewa	7,500 00	
Reconstructing culvert under feeder above junction.....	12,000 00	
To improve the outlet of Sunfish Creek from the Feeder to Grand River.....	1,200 00	
Construction of a bridge across the Feeder, at the Forks Road.....	4,000 00	
Construction of dams above and below Dunnville weirs.....	13,680 00	
<i>Chambly Canal.</i>		
Raising banks, lowering bottom of canal, rebuilding lock walls, &c.....	39,200 00	
<i>St. Ours Lock.</i>		
Towards overhauling foundation of lock.....	50,000 00	
<i>Ste. Anne's Lock.</i>		
Strengthening old pier below lock.....	10,000 00	
<i>Cornwall Canal.</i>		
To provide for a residence and an office for the Collector at Cornwall.	2,000 00	
<i>Trent River Navigation.</i>		
To settle claim of Thomas Stephenson as per agreement.....	2,000 00	
To build a dam at Bobcaygeon.....	15,000 00	
To build a landing pier at Lakefield and repair the roads at Buckhorn	4,500 00	
Clearing out the channel at several points between Lakefield and Balsam Lake.....	8,500 00	
<i>Rideau Canal.</i>		
For changing the location of the swing bridge over the canal at Smith's Falls.....	6,500 00	
Wharf accommodation near Maria street bridge.....	2,500 00	
For works necessary to complete the supply to the canal and the Gananoque River.....	12,000 00	
Renewal of bridge at Manotick.....	6,000 00	
Carried forward.....	245,700 00	8,975,067 65

SCHEDULE B—*Continued.*

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	245,700 00	8,975,067 65
RAILWAYS AND CANALS.		
(Chargeable to Income)—Concluded.		
CANALS—Concluded.		
<i>Rideau Canal—Concluded.</i>		
Construction of a bridge over the canal between Concessions C and D, Nepean Front.....	7,000 00	
Miscellaneous.		
Miscellaneous works not otherwise provided for.....	15,000 00	
Arbitrations and awards.....	5,000 00	
Surveys and inspections.....	10,000 00	
RAILWAYS.		
Surveys and inspections.....	15,000 00	
Railway statistics.....	2,000 00	299,700 00
PUBLIC WORKS.		
(Chargeable to Capital.)		
PUBLIC BUILDINGS.		
<i>Ottawa.</i>		
Additional Public Building, Wellington Street.....	100,000 00	
HARBORS AND RIVERS.		
<i>Ontario.</i>		
Amount required for construction of Port Arthur Harbor and for Kaministiquia River.....	125,700 00	
Kingston Graving Dock.....	75,000 00	
<i>New Brunswick.</i>		
Cape Tormentine Harbor.....	85,000 00	385,700 00
PUBLIC WORKS.		
(Chargeable to Income.)		
PUBLIC BUILDINGS.		
<i>Nova Scotia.</i>		
Annapolis Post Office, Custom House, &c.....	\$19,500 00	
Halifax Dominion Building—Repairs, &c.....	1,500 00	
Sydney (South) Post Office, Custom House, &c.....	10,000 00	
Antigonish Public Building.....	650 00	
Halifax Examining Warehouse.....	300 00	
Carried forward.....	\$31,950 00	9,660,467 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts
Brought forward.....	\$31,950 00	9,660,467 65
PUBLIC WORKS.		
<i>(Chargeable to Income)—Continued.</i>		
PUBLIC BUILDINGS—Concluded.		
<i>New Brunswick.</i>		
Bathurst Post Office, Custom House, &c.....	2,000 00	
Dalhousie Post Office.....	12,000 00	
St. John Dominion Buildings—Improvements.....	1,500 00	
Woodstock Post Office—To complete.....	2,400 00	
St. John Post Office—Painting, &c.	1,000 00	
do Marine Hospital.....	1,000 00	
do Savings Bank—Renewals, &c.....	1,000 00	
Fredericton Post Office, Custom House, &c	1,000 00	
St. John Custom House—Improvements, renewals, &c....	2,000 00	
<i>Quebec.</i>		
Aylmer Post Office	7,000 00	
Cliff under Citadel, Quebec.—Removing loose rock and making good damages to property by falling rocks, including survey and superintendence.....	1,000 00	
Coaticook Post Office and Inland Revenue Office.	16,000 00	
Grosse Isle Quarantine Station.....	3,800 00	
Hull Post Office and Inland Revenue Office—To complete.	900 00	
Joliette Post Office.....	10,000 00	
Montreal Dominion Buildings—Improvements and repairs	1,500 00	
Montreal Post Office.....	6,200 00	
Montreal Post Office—Electric lighting.....	2,000 00	
Quebec Custom House.....	4,000 00	
Quebec Dominion Buildings—Improvements, &c.....	1,500 00	
Quebec Immigration Building.....	5,000 00	
Rivière du Loup (Fraserville) Post Office, Custom House, &c	6,000 00	
St. Vincent de Paul Penitentiary.....	26,000 00	
St. Jérôme Public Building.....	6,000 00	
Three Rivers Dominion Buildings—Improvements, &c.....	500 00	
Montreal Inland Revenue Building—Improvements, &c.....	700 00	
Lachine Post Office, &c	2,500 00	
Queen's Wharf Buildings, Quebec—Fencing, &c.....	1,500 00	
Quebec Examining Warehouse—Furniture, &c	300 00	
Quebec Observatory—Improvements, furniture, &c.....	600 00	
Sorel Public Building—Improvements.....	800 00	
St. Hyacinthe Post Office, Custom House, &c.....	4,000 00	
Quebec Immigrant Building on Princess Louise Embankment—To complete	1,000 00	
Three Rivers Custom House—Outbuildings, &c.....	600 00	
Sherbrooke Public Building—Repairs, &c.....	500 00	
Laprairie Post Office, &c.—Site to be furnished by local authorities free of cost.....	5,000 00	
Quebec Immigration Building on Princess Louise Embankment—Water supply	3,000 00	
<i>Ontario.</i>		
Almonte Post Office, Custom House, &c	7,000 00	
Brampton Public Building	7,000 00	
Cayuga Post Office.....	7,000 00	
Carried forward.....	\$192,750 00	9,660,467 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$192,750 00	9,660,467 65
PUBLIC WORKS.		
<i>(Chargeable to Income)—Continued.</i>		
PUBLIC BUILDINGS—Continued.		
Ontario—Concluded.		
Cobourg Post Office, Custom House, &c.....	7,000 00	
Gananoque Post Office, Custom House, &c.....	7,000 00	
Goderich Post Office, Custom House, &c.....	8,000 00	
Government Printing Bureau	115,000 00	
Guelph Post Office—Improvements, &c.....	2,000 00	
Hamilton Drill Hall.....	21,000 00	
Kingston Penitentiary.....	20,700 00	
Kingston Examining Warehouse.....	10,000 00	
Lindsay Post Office, Custom House, &c.....	7,000 00	
London Custom House.....	5,000 00	
London Infantry School	5,600 00	
Napanee Post Office and Custom House.....	7,000 00	
Ottawa Post Office, Custom House, &c.....	1,000 00	
Pembroke Post Office, Custom House, &c.....	8,000 00	
Port Arthur Post Office, Custom House, &c., on proper site being given.....	7,000 00	
Prescott Post Office, Custom House, &c.....	15,000 00	
Public Buildings, Ottawa—Parliament Buildings—Re- covering, &c., of lean-to roofs, &c.....	5,000 00	
Strathroy Post Office and Custom House.....	7,000 00	
St. Thomas Post Office, Custom House, &c.....	500 00	
Toronto Dominion Buildings—Improvements, &c.....	1,500 00	
Toronto Post Office.....	750 00	
Trenton Public Building.....	7,000 00	
Toronto Examining Warehouse.....	2,500 00	
Toronto Drill Hall—For the construction of, on condition that the City of Toronto provide a plot of land, as agreed upon.....	60,000 00	
Windsor Post Office, Custom House, &c.—Repairs, &c....	2,000 00	
Departmental Buildings, Ottawa—Reconstruction of ele- vator in Western Block	1,275 00	
Toronto Custom House—Improvements	1,600 00	
Parliament Building, Ottawa :—		
Covering lean-to roof of library.....	1,000 00	
Re-covering roofs of ventilating shafts with tin.....	1,500 00	
Improving ventilation of House of Commons	4,000 00	
Renewing skylight, House of Commons.....	3,250 00	
Brantford Post Office, Custom House, &c—Furniture, fittings, &c.....	350 00	
Belleville Post Office, Custom House, &c.—Repairs.....	400 00	
St. Catharines Post Office, &c.—Improvements.....	500 00	
Kingston Penitentiary—To complete and enlarge gas gen- erator and fittings, &c.....	350 00	
Belleville Post Office, Custom House, &c.—Furniture.....	175 00	
Toronto Examining Warehouse—Improvements.....	725 00	
Barrie, London and Windsor Post Offices—Improvements, repairs, &c.....	800 00	
Manitoba.		
Manitoba Penitentiary.....	75,000 00	
Winnipeg Immigrant Building, including site.....	15,000 00	
Brandon Post Office.....	15,000 00	
Brandon Immigrant Building—Improvements, &c.....	250 00	
Carried forward.....	\$646,475 00	9,660,467 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$648,475 00	9,660,467 65
PUBLIC WORKS.		
<i>(Chargeable to Income)—Continued.</i>		
PUBLIC BUILDINGS—Concluded.		
<i>Manitoba—Concluded.</i>		
Winnipeg Immigrant Building, including site, &c.— Additional amount required.....	5,000 00	
Manitoba Penitentiary—Additional amount required for residences of Chaplains and Surgeons	3,000 00	
<i>North-West Territories.</i>		
Public Buildings, North-West Territories generally.....	5,000 00	
McLeod Custom House.....	1,000 00	
Battleford Land and Registry Office—To complete vault, &c.....	2,500 00	
Residence for Lieutenant-Governor of North-West Terri- tories, Regina.....	15,000 00	
Lieutenant-Governor's residence, Regina—Repairs.....	2,000 00	
Calgary Court House, Jail, Registry Offices, &c.....	10,000 00	
Crown Lands and Timber Agents' Offices at Regina, Prince Albert and Edmonton	15,000 00	
North-West Mounted Police Buildings.....	100,000 00	
Court House, Lock-up and Police accommodation at Moo- somin, Wolseley, Maple Creek and Medicine Hat.....	10,000 00	
Fort McLeod—Storehouse for use of Collector of Cus- toms and Inspector of Cattle Ranches	1,000 00	
<i>British Columbia.</i>		
General repairs and improvements, Public Buildings, British Columbia.....	3,000 00	
British Columbia Penitentiary	25,500 00	
Vancouver Post Office, Custom House, &c.....	10,000 00	
<i>Public Buildings Generally.</i>		
Public Buildings generally.....	15,000 00	869,475 00
REPAIRS, FURNITURE, HEATING, &C.		
Repairs, furniture, heating, &c.....	\$190,000 00	
Grounds, Public Buildings, Ottawa	9,500 00	
Removal of snow, Public Buildings, Ottawa	2,000 00	
Heating, do do	60,000 00	
Gas and electric light do do	25,000 00	
Water do do	16,000 00	
Allowance for fuel and light, Rideau Hall.....	8,000 00	
Telephonic service, Public Buildings, Ottawa	3,000 00	
Major's Hill Park, Ottawa.....	8,500 00	
Salaries of Engineers, Firemen, Caretakers, &c., of Do- minion Public Buildings	46,000 00	
Heating Dominion Public Buildings—Fuel, &c.....	50,000 00	
Lighting do do	25,000 00	
Water for do do	10,000 00	
Carried forward.....	\$453,000 00	869,475 00
		9,660,467 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts
Brought forward.....	\$453,000 00	869,475 00 9,660,467 65
PUBLIC WORKS.		
<i>(Chargeable to Income)—Continued.</i>		
REPAIRS, FURNITURE, HEATING, &c.—Concluded.		
Materials for repairs, &c., in connection with ventilation and lighting Public Buildings, Ottawa.....	5,000 00	
Sundry supplies for Caretakers, Engineers, Firemen, &c., Dominion Buildings.....	5,000 00	
Commutation of ground rent, payable semi-annually, for site of old Parliament House, Quebec, at the rate of \$4,444.44 per annum.....	74,074 00	
Additional amount required to meet disbursements for petty repairs, &c., in connection with Dominion Public Buildings, hitherto made directly by the various departments occupying the offices.....	5,000 00	
Dominion Immigration Buildings—Repairs, furniture, &c.....	2,000 00	
	544,074 00	
HARBORS AND RIVERS.		
<i>Nova Scotia.</i>		
Arisaig, Bayfield and McNair's Cove (Cape George)		
Piers—Repairs	\$ 4,500 00	
Bay St. Lawrence.....	2,000 00	
Bayfield Wharf—Repairs, renewals, dredging, &c.....	3,500 00	
Blue Rock—To complete.....	3,000 00	
Broad Cove	2,300 00	
Eatonville Pier—To complete	3,000 00	
Lismore	1,000 00	
Mabou.....	1,000 00	
Sheet Harbor.....	2,000 00	
Spencer's Island Pier—To complete	5,000 00	
Yarmouth—Removal of rocks.....	1,000 00	
Gabarus and Belfry Lakes channel	800 00	
Noël.....	3,000 00	
Wallace Harbor.....	1,000 00	
Delap's Cove	1,000 00	
White Point, Victoria Co.	2,500 00	
Cow Bay—To complete urgent repairs	3,900 00	
Beaver River—Extension of piers	1,500 00	
Port Lorne—Repairs	200 00	
Parker's Cove—Repairs	200 00	
Cheticamp	2,000 00	
Port Hood—Repairs	3,300 00	
Western Head.....	2,000 00	
Hampton—Repairs.....	750 00	
East River of Pictou—Removing rocks.....	700 00	
Port Greville—Protection work.....	400 00	
Arisaig—Completion of pier	4,000 00	
Partridge Island River	3,000 00	
Barrington Passage Pier.....	3,000 00	
<i>Prince Edward Island.</i>		
Cascumpec—Removal of rock	2,000 00	
Repairs to breakwaters, piers, &c., acquired from Local Government.....	3,000 00	
Souris East—Breakwater at Knight's Point, repairs, &c... ..	5,000 00	
Repairs to piers	3,000 00	
Carried forward.....	\$74,550 00	1,413,549 00 9,660,467 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$74,550 00	1,413,549 00
		9,660,467 65
PUBLIC WORKS.		
<i>(Chargeable to Income)—Continued.</i>		
HARBORS AND RIVERS—Continued.		
<i>New Brunswick.</i>		
River St. John—River des Chutes to Woodstock and above		
Grand Falls; also River Tobique.....	5,000 00	
Rocher Bay, Anderson's Hollow—To complete.....	750 00	
Baie Verte—Ballast pier.....	3,000 00	
Edgett's Landing—Ballast wharf	2,000 00	
Mizonette	2,000 00	
St. Louis	3,800 00	
St. John Harbor—Negro Point Breakwater.....	10,000 00	
Richibucto—Protection works	3,000 00	
River St. John—Removal of obstructions between Fred-		
erickton and Woodstock	1,000 00	
Campbellton Ballast Wharf.....	1,500 00	
River Kennebecasis.....	2,000 00	
Anderson's Hollow—To complete work.....	450 00	
Grande Anse—Repairs.....	2,000 00	
<i>Maritime Provinces Generally.</i>		
General repairs and improvements, Maritime Provinces...	12,000 00	
<i>Quebec.</i>		
Chenal du Moine—Ice piers at Ste. Anne de Sorel.....	2,500 00	
Chicoutimi, St. Alphonse and Anse St. Jean.....	1,650 00	
Étang du Nord—To complete.....	3,000 00	
Laprairie—Works in connection with ice piers.....	5,000 00	
Percé—To complete.....	5,000 00	
Rivière du Lièvre.....	39,000 00	
River Nicolet.....	11,000 00	
Trois Pistoles—Pier	600 00	
St. Adelaide de Pabos (Little Pabos).....	7,500 00	
River St. Francis.....	3,000 00	
Rivers Madawaska and Cabaneau.....	1,000 00	
Rivière Ste. Anne de la Pêrade.....	1,000 00	
Grand Pabos—Removal of shoal.....	750 00	
Anse à l'Eau or Tadoussac—Pier.....	1,000 00	
River Yamachiche.....	1,000 00	
Lake Megantic piers—Repairs.....	700 00	
Grande Décharge, Lake St. John—Pier.....	1,600 00	
Chicoutimi, St. Alphonse, Anse St. Jean and Ste. Anne		
du Saguenay—Repairs to piers, &c.....	2,000 00	
Murray Bay, Ile aux Coudres, Les Eboulements—Repairs		
to piers, &c.....	3,700 00	
St. Laurent, Island of Orleans—Repairs.....	400 00	
River Yamaska—Stone protection to dam, &c.....	2,250 00	
Baie St. Paul.....	5,000 00	
Trois Pistoles	1,000 00	
Barachois de Malbaie and mouth of Newport River...	1,500 00	
Piers at Mattawan, Long Sault and Lake Temiscamingue		
—Upper Ottawa.....	1,500 00	
New Carlisle.....	5,000 00	
Carried forward.....	\$230,700 00	1,413,549 00
		9,660,467 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$230,700 00	1,413,549 00
PUBLIC WORKS.		9,660,467 65
<i>(Chargeable to Income)—Continued.</i>		
HARBORS AND RIVERS—Continued.		
Quebec—Concluded.		
Isle Verte—Pier—To complete.....	4,000 00	
Raising cribwork in front of new immigration building on breakwater, Quebec.....	2,250 00	
Sorel ice piers.....	2,500 00	
Papineauville or Pentecost Bay Channel.....	3,000 00	
Ile Perrot—To complete.....	2,500 00	
River Cap de Chatte.....	2,500 00	
Coteau du Lac—To complete pier.....	2,000 00	
Three Rivers pier.....	10,000 00	
General repairs and improvements, Harbors and Rivers, Quebec.....	10,000 00	
Ontario.		
Belleville Harbor—To complete.....	2,000 00	
Cobourg Harbor—Lake Ontario.....	10,000 00	
Collingwood Harbor—To complete.....	4,000 00	
Goderich.....	10,000 00	
Kincardine—Repairs to complete.....	5,000 00	
Kingston Harbor, Lake Ontario.....	6,000 00	
Kingsville, Lake Erie.....	2,400 00	
Little Nation River—Removal of obstructions.....	5,000 00	
McGregor's Creek and Little Bear's Creek.....	7,750 00	
Owen Sound.....	15,000 00	
Port Elgin.....	5,000 00	
Port Hope—Repairs, to complete.....	2,500 00	
Portsmouth—Repairs to pier.....	4,000 00	
River Ottawa—Improvement of steamboat channel through Narrows of Petawawa, above Pembroke.....	3,000 00	
Rondeau, Lake Erie—Repairs.....	2,000 00	
Sault Ste. Marie.....	7,000 00	
Tolsma Bay, Cockburn Island—To complete.....	1,000 00	
Little Nation River—To complete removal of obstructions.	2,000 00	
Oakville Harbor.....	2,300 00	
River Thames—Entrance channel.....	4,000 00	
McGregor's Harbor—Protection works.....	2,000 00	
Meaford—The town furnishing \$3,000.....	5,000 00	
Bayfield—Repairs.....	1,500 00	
Belleville—To complete harbor works, the local authorities protecting the Island with cribwork to the amount of \$6,000.....	8,000 00	
Rideau River—Dredging north branch.....	3,500 00	
Rivière aux Puces.....	2,000 00	
Thornbury—Dredging.....	3,000 00	
Improvement of Narrows between Lakes Simcoe and Couchiching.....	500 00	
Collingwood Harbor—To continue works of improvement.	5,000 00	
Toronto Harbor—Works at eastern entrance; the city of Toronto having contributed \$100,000.....	50,000 00	
Penetanguishene Harbor Works; locality having furnished \$10,000.....	10,000 00	
General repairs and improvements, harbors and rivers, Ontario.....	10,000 00	
Manitoba.		
General repairs and improvements, harbors and rivers, Manitoba.....	2,000 00	
Carried forward.....	\$471,900 00	1,413,549 00

SCHEDULE B—*Continued.*

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$171,900 00	1,413,549 00
PUBLIC WORKS.		
<i>(Chargeable to Income)—Continued.</i>		
HARBORS AND RIVERS—Concluded.		
<i>North-West Territories.</i>		
General repairs and improvements to harbors and rivers, North-West Territories.....	4,000 00	
<i>British Columbia.</i>		
Cowichan River.....	1,000 00	
Fraser River.....	10,000 00	
Nanaimo—Removal of Nicol Rock.....	10,000 00	
Nicomeckle and Serpentine Rivers—To complete.....	1,500 00	
River Somass—To complete.....	500 00	
Victoria Harbor—Removal of rocks, &c.....	12,500 00	
Fraser River—Additional grant.....	10,000 00	
Columbia River—Improvements above Golden.....	5,000 00	
Bigg's Portage—Channel.....	1,000 00	
River Coquitlam.....	1,000 00	
General repairs and improvements, harbors and rivers, British Columbia.....	2,000 00	
<i>Harbors and Rivers Generally.</i>		
Harbors and rivers generally.....	6,000 00	536,400 00
DREDGING.		
New dredging plant.....	\$ 27,250 00	
Dredge vessels—Repairs.....	43,000 00	
Dredging, Nova Scotia.....		
do Prince Edward Island.....		
do New Brunswick.....	40,000 00	
do Quebec.....		
do Ontario.....	40,000 00	
do Manitoba.....	15,000 00	
do British Columbia.....	15,000 00	
do General service.....	5,000 00	
New Dredging Plant—Additional amount required for British Columbia.....	3,000 00	
General service—Additional amount required.....	5,000 00	193,250 00
SLIDES AND BOOMS.		
Slides and Booms.....	\$ 15,000 00	
Coulouge River—Dam at Ragged Chute, repairs.....	800 00	
River St. Maurice—Grand'Mère, sorting booms, &c., the Laurentides Pulp Company furnishing an equal amount.....	3,000 00	24,800 00
ROADS AND BRIDGES.		
Bridges, Ottawa City, over the River Ottawa, the Slides, the Rideau Canal and approaches thereto.....	\$ 8,300 00	
Aid towards the construction of a free bridge over the Old Man's River, at Fort McLeod, local authorities furnish- ing \$2,500.....	10,000 00	
Carried forward.....	\$18,300 00	2,167,999 00
		9,660,467 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$18,300 00	2,167,999 00
PUBLIC WORKS.		
(Chargeable to Income)—Continued.		
ROADS AND BRIDGES—(Concluded.		
Bridge across the Battle River, at Battleford.....	10,000 00	
To pay one-half the cost of the construction of a bridge across Grand River at the village of York, the County Council of Haldimand paying the other half.....	10,000 00	
New Iron Truss Bridge, to replace the Union Suspension Bridge, Ottawa.....	45,000 00	
Bridge over the Belly River at Lethbridge, N.W.T.	15,000 00	
Reconstruction of Bridge over north-east channel, River Ottawa, at Portage du Fort.....	6,000 00	
Bridges on trail between Edmonton and Athabasca Landing.....	2,000 00	
McLaren's Bridge, Ottawa.....	2,000 00	
Paving Wellington Street, Ottawa, in front of Government Grounds and Buildings.....	5,000 00	
	113,300 00	
TELEGRAPHS.		
Land and cable telegraph lines for the sea coasts and islands of the Lower Rivers and Gulf of St. Lawrence and Maritime Provinces:—		
Land line on north shore of St. Lawrence—Extension towards Pointe aux Esquimaux.....	\$ 5,000 00	
Land line between North Sydney and Meat Cove—Re-poling—to complete.....	5,000 00	
Land line from Grindstone Island to Allright Island (Magdalen Group).....	750 00	
Line on north shore of St. Lawrence:—Improved repairing facilities between Sault au Cochon and Pointe des Monts.....	2,000 00	
New Station at Big Bras d'Or, on the Meat Cove, Cape Breton, Line.....	150 00	
Submarine cable for connecting Brier and Long Islands with Digby; the Telephone Company of Nova Scotia agreeing to construct and maintain all the land lines required to establish an uninterrupted telegraphic communication between these islands and the Town of Digby.....	2,000 00	
To connect North-East Margaree with the Mabou-Cheticamp Telegraph Line; the inhabitants of the locality furnishing and distributing the poles.....	500 00	
Telegraph Lines, Ontario:—		
Telegraph communication between Pointe Pelée Island, Lake Erie, and the mainland.....	7,500 00	
Telephone connection between Wolfe Island, Lake Ontario, and the mainland—the inhabitants furnishing and distributing the poles and providing an office.....	2,500 00	
Telegraph lines, North-West Territories:—		
Line between Humboldt and Qu'Appelle—Re-poling—to complete.....	7,500 00	
New Station at Saddle Lake on the Qu'Appelle, Edmonton Line <i>via</i> Fort Pitt.....	600 00	
Telephone line to connect the Police Headquarters, &c., with the Banff Telephone Exchange.....	650 00	
Telegraph lines, British Columbia:—		
Telegraphic connection of Bonilla point with Victoria.	15,000 00	
	49,150 00	
Carried forward.....	2,330,449 00	9,660,467 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts
Brought forward.....	2,330,449 00	9,660,467 65
PUBLIC WORKS.		
(Chargeable to Income)—Concluded.		
EXPERIMENTAL FARMS.		
Experimental Farms, buildings, fencing, &c.....	70,000 00	
MISCELLANEOUS.		
Miscellaneous works not otherwise provided for.....	\$ 10,000 00	
Surveys and inspections.....	20,000 00	
Arbitrations and awards.....	5,000 00	
National Art Gallery.....	1,000 00	
Examination in connection with spring floods at Montreal and vicinity, including \$750 to be paid to H. F. Perley, Chief Engineer, Public Works Department, in full for services as Commissioner notwithstanding the 51st section of the Civil Service Act.....	2,500 00	
Surveys and plans of Government Properties in connection with Public Works.....	3,000 00	
River St. Lawrence, &c, Water levels, &c.....	2,500 00	
To assist in the erection of a monument to Col. Williams	1,000 00	
To pay Eugene Coste, expert fee for work done by him in connection with Rivière du Lièvre Works.....	120 00	
	45,120 00	2,445,569 00
MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS.		
Steam communication on Lakes Huron and Superior.....	12,000 00	
Steam communication with the Magdalen Islands.....	7,800 00	
Steam communication between Grand Manan, N.B., and mainland.....	4,000 00	
Steam communication between Halifax and St. John, via Yarmouth and Port Medway.....	7,500 00	
Subsidy to a line of steamers to run between France and Quebec.....	50,000 00	
Subsidy to a line of steamers to run between Liverpool or London, or both, and St. John, N.B., and Halifax, N.S., a port in the Dominion to be the terminal port.....	25,000 00	
Subsidy to steamer between Campbellton and Gaspé, and intermediate ports.....	12,500 00	
Steam communication from Port Mulgrave, at the terminus of the Eastern Extension Railway, to East Bay, Cape Breton.....	6,000 00	
Steam communication between Halifax and St. Pierre.....	2,000 00	
Direct steam communication between Canada and Antwerp, or Germany, or both.....	30,000 00	
Steam communication between Port Mulgrave or Pictou Railway terminus and Cheticamp, touching at Port Hood, Mabou, Broad Cove, Margaree and Cheticamp, the Local Government having granted a similar amount conditionally on a Dominion vote for the same service.....	2,000 00	
Steam communication between Prince Edward Island and the mainland.....	10,000 00	
Steam communication between St. John and ports in Basin of Minas, Parrsboro', Maitland, Summersville, Hantsport, Avondale, Windsor, Kingsport, Wolfville, &c.....	4,000 00	
Steam communication between Canso, Arichat, Guysboro', Port Hood and Mabou, and such other places between above limits as may be agreed upon, touching daily at Port Mulgrave, and also to provide for continuance of service during winter, on the Port Mulgrave and Canso Section.....	5,000 00	
Steam communication between Halifax and Newfoundland, via Cape Breton, at \$200 per trip, not to exceed \$2,000 per annum.....	2,000 00	
		179,800 00
Carried forward.....		12,285,836 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....		12,285,836 65
OCEAN AND RIVER SERVICE.		
Maintenance and repairs of Government steamers.....	130,000 00	
To provide for the examination of Masters and Mates.....	6,000 00	
Rewards for saving life and life-boat service.....	10,000 00	
To provide for investigation into wrecks, and collection of information relating to disasters to shipping.....	1,500 00	
Canadian registration of shipping.....	500 00	
Montreal and Quebec River and Water Police.....	40,000 00	
Removal of obstructions in navigable rivers, including removal of wreck of "Ottawa," in River St. Lawrence.....	14,000 00	
Winter service, Prince Edward Island.....	5,000 00	
To provide a small steam vessel for the use of the Customs, Interior and Fisheries Departments in the waters of the Province of British Columbia.....	10,000 00	
To provide for injuries received by Richard C. Soy from exposure during the wreck of the steamer "Princess Louise".....	200 00	
To provide for a new steamer for the winter service between Prince Edward Island and the mainland.....	150,000 00	
		367,200 00
LIGHTHOUSE AND COAST SERVICE.		
Salaries and allowances, &c., of Lighthouse-keepers, including Cape Race light and fog-whistles.....	184,000 00	
Agencies, rents and contingencies.....	20,360 00	
Maintenance and repairs to lights, fog-whistles, buoys and beacons, and humane establishments.....	320,000 00	
Completion and construction of lighthouses and fog-alarms.....	30,000 00	
Signal service.....	6,000 00	
To provide for the payment to the Harbor Commissioners of the annual cost of maintaining the buoys and beacons in the St. Lawrence River below Montreal.....	7,000 00	
To provide for erection of pier and lighthouse in the Lower Traverse River (on account), estimated cost, \$100,000.....	10,000 00	
		586,360 00
SCIENTIFIC INSTITUTIONS.		
Observatory, Toronto.....	\$ 5,250 00	
do Kingston.....	500 00	
do Montreal.....	500 00	
		6,250 00
Grant for Meteorological Services, including instruments and cost of telegraphing weather warnings.....	55,000 00	
		61,250 00
MARINE HOSPITALS AND SICK AND DISTRESSED SEAMEN.		
Marine and Immigrant Hospital, Quebec.....	\$ 20,000 00	
St. Catharines Hospital.....	500 00	
Kingston Hospital.....	500 00	
Marine Hospitals in the Provinces of Quebec, Nova Scotia, New Brunswick, Prince Edward Island and British Columbia.....	35,000 00	
		56,000 00
Expenses of Shipwrecked and Distressed Seamen.....	6,000 00	
		62,000 00
STEAMBOAT INSPECTION.		
To provide for expenses of Steamboat Inspection.....		25,000 00
Carried forward.....		13,387,646 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....		13,387,646 65
FISHERIES.		
Salaries and Disbursements of Fishery Overseers and Wardens :—		
Ontario.....	18,000 00	
Quebec.....	15,000 00	
Nova Scotia.....	18,000 00	
New Brunswick.....	16,000 00	
Prince Edward Island.....	3,500 00	
British Columbia.....	6,000 00	
Manitoba, Keewatin and North-West Territories.....	3,000 00	
Fish-breeding, building fishways and clearing rivers.....	35,000 00	
To provide for legal and incidental expenses.....	2,000 00	
To provide for the cost, maintenance and repairs of fishery protection steamers and vessels.....	100,000 00	
Canadian Fishery Exhibit.....	1,500 00	
To pay for services performed by persons in the Customs and Fisheries Departments, and other expenses in connection with the distribution of the fishing bounty and collection of statistics.....	6,000 00	
To meet cost of fitting up the lower story of Victoria Hall as a fish hatchery.....	1,500 00	225,500 00
SUPERINTENDENCE OF INSURANCE.		
To meet expenses in connection with this service.....		5,500 00
GEOLOGICAL SURVEY.		
Geological Survey.....		60,000 00
DEPARTMENT OF INDIAN AFFAIRS.		
ONTARIO, QUEBEC AND THE MARITIME PROVINCES.		
Province of Quebec, relief of distress.....	\$ 4,200 00	
Purchase of blankets for Indians of Ontario and Quebec...	1,600 00	
For Indian schools in Ontario, Quebec, Nova Scotia and New Brunswick.....	14,287 50	
For payment of annuities under the Robinson Treaty.....	15,588 00	
To provide a salary for Chief Angus Cooke, of the Gibson Reserve, and Chief William McGregor, of Cape Croker Band, \$50 each.....	100 00	
Revote of amount voted last Session, but not expended, for the removal of the residue of the Lake of Two Mountain Indians from Oka to Township of Gibson...	5,000 00	
To provide for the survey of Indian Reserves.....	1 963 22	
To provide travelling allowance for L. F. Boucher, Indian Superintendent, for the north shore of the River St. Lawrence superintendency, not before estimated for, but amounting annually to about.....	400 00	
To aid the Rev. Father Legroff to publish a grammar in the Montagnais Indian dialect.....	300 00	
To provide for the maintenance at the Mount Elgin Institution of five additional pupils, at \$50 each per annum.....	300 00	
	43,738 72	
NOVA SCOTIA.		
Salaries.....	\$ 900 00	
Relief and seed grain.....	3,045 00	
Medical attendance and medicine.....	1,012 00	
Miscellaneous.....	75 00	
	5,032 00	
Carried forward.....	48,770 72	13,678 646 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	48,770 72	13,678,646 65
DEPARTMENT OF INDIAN AFFAIRS—Continued.		
NEW BRUNSWICK.		
Salaries.....	\$ 2,105 00	
Relief and seed grain.....	2,700 00	
Medical attendance and medicine.....	470 00	
Miscellaneous	50 00	
To provide for the payment of rent for the year 1887-88, for the building used as an Indian Office by Agent James Farrell, at Fredericton.....	50 00	
To pay Rev. Mr. Richard for services with the Indians of New Brunswick.....	200 00	
	5,575 00	
PRINCE EDWARD ISLAND		
Salaries.....	\$ 500 00	
Relief and seed grain.....	1,125 00	
Medical attendance and medicine.....	300 00	
Miscellaneous	75 00	
	2,000 00	
MANITOBA AND NORTH-WEST TERRITORIES.		
Annuities	\$148,865 00	
Agricultural implements.....	26,511 00	
Seed grain.....	3,570 00	
Cattle and pigs.....	6,251 00	
Supplies for destitute, including provisions given at annuity payments and ammunition given to enable Indians to hunt.....	354,319 00	
Clothing—Triennial.....	6,400 00	
Schools—Day.....	42,540 00	
do Industrial.....	81,429 00	
Surveys.....	6,500 00	
Farming Instructors' wages.....	33,122 00	
Maintenance.....	16,443 00	
Sioux.....	3,772 00	
General expenses.....	125,953 00	
Agency buildings	21,075 00	
The sum of \$10,000, provided in the main esti- mates of 1888-89, for the erection of two industrial schools in Manitoba is found to be insufficient for the purpose, the build- ings will cost at least \$8,000 each.....	\$16,000 00	
LESS—Provided.....	10,000 00	
	6,000 00	
Required for the equipment of these two schools, \$4,000 each.....	8,000 00	
A grant in aid of the hospital at St. Albert's Mission, at which Indians frequently receive treatment.....	200 00	
To provide salary for the teacher of an Indian School, at Isle à la Crosse	300 00	
An additional grant of \$30 per head for each of fifty pupils at the St. Albert's Institution.....	1,500 00	
To provide salary for J. A. Macrae, Inspector of Pro- testant Schools in the North-West Territories, appoint- ed by Order in Council of the 27th October, 1887.....	1,200 00	
And for A. Betournay, Inspector of Roman Catholic Schools in the North-West Territories, appointed by Order in Council of 22nd December, 1887.....	1,200 00	
And to provide also a sum to cover their expenses while travelling on visits of inspection.....	1,000 00	
Carried forward.....	\$896,150 00	56,345 72 13,678,646 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$396,150 00	56,345 72 13,678,646 65
DEPARTMENT OF INDIAN AFFAIRS—Concluded		
MANITOBA AND NORTH-WEST TERRITORIES—Concluded.		
To aid in the maintenance of forty pupils, at \$30 each, at the boarding school recently opened under the auspices of the Presbyterian Church, on land adjoining Muscowpetung's Reserve	1,200 00	
A grant of \$50 for each of ten pupils at a boarding school, on Gordon's Reserve	500 00	
And a similar sum for a like number at a boarding school, on Muscowpetung's Reserve	500 00	
The estimated cost of 486 iron posts to mark the boundaries of Indian Reserves in the North-West Territories	1,361 00	
And for 70 iron posts for a like purpose on the Fort Alexander and Brokenhead Indian Reserves, in Manitoba, giving one post for each mile of boundary	196 00	
To provide salary for a furnace-man, who will act also as a night-watchman at the Qu'Appelle Industrial School.....	\$500 00	
Less—The wages of a laborer, now employed, whose services will then be dispensed with... ..	200 00	
	300 00	
To provide salary for a teacher of a Roman Catholic school, on Enoch's Reserve, in the Edmonton Agency	300 00	
To provide for payment to H. G. Baldwin, M.D., of his account for medical attendance on pupils in the Battleford Industrial School, from October, 1886, to May, 1887, a period during which the services of no other medical practitioner were available.....	160 00	
A grant to assist the Methodist Missionary Society to build a schoolhouse on the Blood Reserve.....	400 00	
To enable the Department to purchase a mower and horse rake for the Stoney Chief Louis Bull.....	140 00	
To pay for the dwelling and other houses owned by Indian Agent R. J. N. Pitcher, at Fort Frances, which he had to leave for the use of his successor at that Agency when transferred to the Coutcheching Agency.....	3,700 00	
To provide for payment to P. Aylen, M.D., as compensation for six months' attendance on Indians of the Battleford Agency, from September, 1887, to March, 1888.....	175 00	
	905,032 00	
BRITISH COLUMBIA.		
For Indians of British Columbia generally.....	\$ 52,520 00	
For Surveys.....	11,837 00	
For Reserve Commission.....	9,500 00	
To provide for payment to the Lords Commissioners of the Admiralty the sum of £3 12s. 5d. sterling, the cost of victualling a police constable and Indian prisoners on board H.M.S. "Satellite" in 1884.....	17 64	
To assist the Rev. A. J. Hall to print a grammar in the Kwawkwalth Indian dialect.....	200 00	
To provide for building an Indian industrial school at Kootenay.....	4,500 00	
And for the maintenance thereof of 30 pupils, each \$150	4,500 00	
To provide for building an Indian office at Cowichan	600 00	
To provide for the maintenance of 25 female Indian pupils at the Mission of All Hallows, Yale, B.C., at \$60 per annum	1,500 00	
	85,174 64	
	1,046,602 36	
Carried forward.....	14,725,249 01	

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.		14,725,249 01
NORTH-WEST MOUNTED POLICE.		
Pay of Force.....	332,176 00	
Subsistence.....	91,250 00	
Forage.....	82,000 00	
Fuel and light.....	35,000 00	
Clothing.....	70,000 00	
Repairs, renewals, replacement of horses, arms and ammunition.....	60,000 00	
Medicines and medical comforts, and hospital expenses.....	5,000 00	
Books and stationery.....	5,000 00	
Scouts, guides, billeting charges, travelling allowances, transport of men and stores.....	60,000 00	
Contingencies.....	8,000 00	
To provide for the payment to Gordon Quick for land required for Mounted Police purposes at Maple Creek.....	1,200 00	
To provide for the payment to ex-Inspector Thomas Dowling of a retiring gratuity equal to seven months' pay	583 33	
		750,209 33
MISCELLANEOUS.		
"Canada Gazette".....	6,000 00	
Miscellaneous printing.....	20,000 00	
Unforeseen expenses, expenditure thereof to be under Order in Council, and a detailed statement to be laid before Parliament within the first fifteen days of the next Session.....	25,000 00	
Commutation in lieu of remission of duties on articles imported for the use of the army and navy.....	2,000 00	
For the expenses of Government in the North-West Territories, including printing, roads, bridges, ferries, aid to schools, &c.....	142,889 10	
For the expenses of Government in the District of Keewatin.....	3,500 00	
To meet expenditure in connection with "The Canada Temperance Act".....	10,000 00	
To compensate members of the North-West Mounted Police for injuries received in the discharge of duty.....	2,000 00	
On account of expenditure in connection with surveys of Lakes Superior and Huron.....	18,000 00	
To provide for the payment of Mr. Fabre's salary and contingencies of his office.....	3,500 00	
To meet costs of litigated matters.....	5,000 00	
To cover expenses of taking evidence concerning the Public Accounts, and reporting the same to the Auditor-General of Canada, under authority of section fifty-seven of "The Consolidated Revenue and Audit Act"; and to pay for legal advice to the Auditor-General, and assistance to him in estimating the value of printing for Returning Officers and others.....	500 00	
To meet payments to Extra Clerks for services rendered in preparation of Returns ordered by Parliament.....	5,000 00	
Commercial Agencies	10,000 00	
Cost of organizing Printing Bureau.....	1,500 00	
Plant required for Government Printing Office and for Government Bindery.....	165,000 00	
Survey, construction of roads, bridges and other necessary works in connection with the Hot Springs Reservation near Banff Station, North-West Territories.....	25,000 00	
Academy of Arts.....	2,000 00	
Collection of Orders in Council, &c.....	9,000 00	
To assist in the publication of the proceedings of the Royal Society....	5,000 00	
Collection and classification of old records of the late Province of Canada	2,000 00	
Amount required for lithographing statistical diagrams.....	4,000 00	
Towards aiding in the publication of the fifth volume of "Le Dictionnaire Généalogique des Familles Canadiennes".....	1,000 00	
Carried forward.....	467,889 10	15,475,458 34

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	467,889 10	15,475,458 34
MISCELLANEOUS—Concluded.		
As remuneration for services performed by the late W. F. Whitcher, Commissioner of Fisheries in 1871 and 1877 at Washington and Halifax, in connection with the negotiation of the Treaty of Washington, and the arbitration consequent thereon; to be paid to his widow.....	3,000 00	
To pay a gratuity to the family of the late Hon. Thomas White equal to the amount of the salary he was receiving at the time of his death, from 21st April to 30th June, 1888, and from 1st July, 1888, to 1st January, 1889.....	4,842 66	475,731 76
COLLECTION OF REVENUES.		
CUSTOMS.		
Salaries and Contingent Expenses of the several Ports :—		
In the Province of Ontario.....	\$270,625 00	
do Quebec.....	223,345 00	
do New Brunswick.....	88,220 00	
do Nova Scotia.....	109,310 00	
do Manitoba.....	20,850 00	
do North-West Territories.....	4,000 00	
do British Columbia.....	41,020 00	
do Prince Edward Island.....	21,060 00	
Provinces generally—To cover any unforeseen changes it may appear necessary to make in Staff.....	5,000 00	
Salaries and travelling expenses of Inspectors of Ports, and travelling expenses of other officers on inspection.....	20,000 00	
Miscellaneous—Contingencies of head office, covering printing, stationery, advertising, telegraphing, &c., for the several Ports of Entry.....	15,000 00	
Board of Customs and Outside Detective Service—To meet expenditure in connection therewith, including \$800 salary of the Commissioner of Customs as Chairman of the Board.....	18,000 00	
Customs Laboratory—To meet expenditure in connection with the testing of sugars, &c., including pay of officers appointed or employed for that purpose.....	5,000 00	
To provide for the administration of the Chinese Immigration Act, including remuneration to Customs Officers.....	3,000 00	
To provide for the purchase of a steam launch to be used at the port of Quebec.....	3,000 00	
	857,430 00	
EXCISE.		
Salaries of Officers and Inspectors of Excise, including \$200 to increase the salary of A. F. McPherson, Accountant, Toronto Division, from \$1,200 to \$1,400, notwithstanding anything to the contrary in the Civil Service Act.....	\$260,477 50	
Preventive service.....	9,000 00	
To provide for increases dependent upon the result of Excise Examinations.....	2,000 00	
To provide for increase of pay of Officers at large distilleries and factories.....	5,000 00	
Travelling expenses, rent, fuel, stationery, &c., also stamps for imported and Canadian tobacco.....	65,000 00	
Carried forward	\$341,477 50	857,430 00 15,951,190 10

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$341,477 50	857,430 00 15,951,190 10
COLLECTION OF REVENUES—Continued.		
Excise—Concluded.		
To pay Collectors of Customs allowance on duties collected by them.....	3,500 00	
Commission to sellers of stamps for Canada twist tobacco.....	250 00	
To provide for the promotion of four additional special class Officers, the number being increased from twenty to twenty-four	1,400 00	
Special.		
To enable the Department to purchase wood naphtha and similar articles for issue to bonded manufacturers, under provisions of R.S.C., chapter 34, section 233, the cost of which will be recouped by the manufacturers to whom they are supplied	5,000 00	
For increase to the salary of the Collector of Inland Revenue at Sorel	15 00	
Further amount required for contingencies.....	10,000 00	
do do preventive service.....	8,000 00	
To pay G. A. Ironsides, Collector of Inland Revenue, Port Arthur, a salary of \$1,000 per annum, such increase to compensate him for additional work performed in inspecting petroleum imported at that port.....	200 00	
		369,842 50
CULLING TIMBER.		
Montreal.		
Deputy Supervisor.....	\$ 900 00	
Book-keeper and Clerk.....	600 00	
Quebec.		
Supervisor.....	2,200 00	
Deputy Supervisor.....	1,600 00	
Cashier.....	1,500 00	
Specification Clerks.....	1,400 00	
Messenger and Caretaker.....	350 00	
Specification Clerks, &c., 8 months, 1 at \$1,000, 1 at \$700, 1 at \$650, 2 at \$600, 2 at \$550.....	4,650 00	
Assistant Book-keeper.....	1,100 00	
Three Rivers.		
Deputy Supervisor.....	300 00	
Clerk.....	700 00	
Pay of Cullers.....	25,000 00	
Contingencies	8,000 00	
Annuities to Superannuated Cullers	6,600 00	
To pay Jas. Patton, Supervisor of Cullers, Quebec, a salary of \$2,400 per annum, the estimate for this purpose being \$2,200	200 00	
		55,100 00
Carried forward		1,382,372 50 15,951,190 10

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	1,282,372 50	15,951,190 10
COLLECTION OF REVENUES—Continued.		
WEIGHTS AND MEASURES AND GAS.		
Salaries of Inspectors and Assistant Inspectors of Weights and Measures.....	\$ 47,000 00	
Salaries of Inspectors of Gas.....	12,170 00	
Salary of Commissioner of Standards.....	800 00	
Rent, fuel, travelling expenses, postage, stationery, &c., for Weights and Measures.....	18,000 00	
Rent, fuel, travelling expenses, postage, stationery, &c., for Gas, including equipment of four new offices	8,000 00	
Salary of the Chief Inspector of Standards.....	2,000 00	
	87,970 00	
INSPECTION OF STAPLES.		
For the purchase and distribution of standards of flour, &c., and other expenditure under the Act.....	2,500 00	
ADULTERATION OF FOOD.		
To meet expenses under the Act	25,000 00	
LIQUOR LICENSE ACT.		
To meet probable amount required for this service.....	4,000 00	
MINOR REVENUES.		
Minor Revenues.....	\$ 1,500 00	
Ordnance Lands.....	2,500 00	
	4,000 00	
RAILWAYS.		
<i>Repairs and Working Expenses.</i>		
Intercolonial Railway.....	\$2,900,000 00	
Eastern Extension Railway.....	94,000 00	
Prince Edward Island Railway.....	205,000 00	
Windsor Branch Railway.....	27,000 00	
	3,226,000 00	
CANALS.		
<i>Maintenance and Repairs.</i>		
Repairs and working expenses.....	\$465,730 00	
Salaries and contingencies of Canal officers	37,786 00	
To pay A. Pridham, Collector of Canal Tolls, Grenville, a salary of \$1,000 per annum	200 00	
Rideau Canal—Repairs.....	3,000 00	
Canal contingencies.....	1,500 00	
	508,216 00	
PUBLIC WORKS.		
Collection of Slide and Boom Dues.....	\$ 21,700 00	
Repairs and working expenses, Harbors and Slides—including River Yamaska Lock and Esquimaux Graving Dock	96,525 00	
Carried forward	\$118,225 00	5,140,068 50 15,951,190 10

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$118,225 00	5,140,058 50
COLLECTION OF REVENUES—Continued.		
PUBLIC WORKS—Concluded.		
Telegraph line between Prince Edward Island and the mainland.....	2,000 00	
Land and cable telegraph lines of the sea coasts and islands of the Lower Rivers and Gulf of St. Lawrence and Maritime Provinces, including cost of working steamer "Newfield" or other vessel when required for cable service.....	28,000 00	
Telegraph Lines, North-West Territories.....	20,000 00	
do British Columbia.....	6,500 00	
Telegraph and Signal Service, generally.....	10,000 00	
Public Works Agencies, British Columbia.....	5,300 00	
To pay H. J. Chaloner, Crown Timber Agent, Quebec, a salary of \$2,400 per annum, the estimate for this purpose being \$2,200.....	200 00	
To pay H. J. Miller, Assistant Crown Timber Agent, Quebec, a salary of \$1,400 per annum, the estimate for this purpose being \$1,200.....	200 00	
Lévis Graving Dock—Working expenses.....	5,000 00	
Telegraph Lines, North-West Territories—Additional amount required.....	1,000 00	
For purchase of horses to replace old worn out animals	1,000 00	
	197,425 00	
POST OFFICE.		
Ontario.....	\$1,346,170 00	
Quebec.....	648,940 00	
New Brunswick.....	242,540 00	
Nova Scotia.....	257,050 00	
Prince Edward Island.....	43,390 00	
British Columbia.....	151,150 00	
Manitoba and the North-West Territories.....	278,380 00	
To provide for the promotion of a Third Class Clerk in the Charlottetown (P.E.I.) Post Office to a Second Class Clerkship.....	100 00	
To provide for an increase of salary to two First Class Clerks in the Montreal Post Office, one at \$100 and the other at \$50.....	150 00	
To provide for an increase of salary to the Postmaster at Fredericton, N.B.....	100 00	
To add to the sum provided for a now vacant Clerkship in the P. O. Inspector's Office, Halifax, to enable the Inspector to pay Sydenham Howe for services in that office.....	200 00	
To provide for an additional Third Class Clerk in the Hamilton Post Office.....	400 00	
To provide for the payment of a gratuity of two months' salary to Mrs. McLelan, widow of the late D. T. McLelan (killed on duty 6th January, 1888), a Temporary Railway Mail Clerk, in the British Columbia Postal Division.....	80 00	
	2,968,650 00	
DOMINION LANDS—OUTSIDE SERVICE.		
Land Board at Winnipeg.		
Commissioner's salary.....	\$5,000 00	
Superintendent of Mines' salary.....	3,200 00	
do do travelling expenses.....	1,500 00	
Carried forward.....	\$9,700 00	8,306,133 50
		15,951,190 10

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$9,700 00	8,306,133 50
15,951,190 10		
COLLECTION OF REVENUES—Continued.		
DOMINION LANDS—OUTSIDE SERVICE—Concluded.		
Land Board at Winnipeg—Concluded.		
Superintendent of Mines' contingencies	1,000 00	
do do clerks' salaries	1,825 00	
Inspector of Agencies' salary	2,000 00	
do do travelling expenses.....	1,500 00	
Secretary's salary.....	1,800 00	
Assistant Secretary's salary.....	1,400 00	
Clerks' salaries.....	13,296 00	
Contingencies, light, postage, telegrams, &c.....	2,700 00.	
Caretaker and Messenger.....	600 00	
Seven Homestead Inspectors' salaries.....	8,400 00	
do do travelling expenses.....	7,000 00	
Land Guide Service.....	2,000 00	
Special services	5,000 00	
Dominion Lands Agencies.		
Dominion Lands Agents.....	19,200 00	
Clerks.....	18,532 25	
Contingencies, including office rent, fuel, &c.....	9,500 00	
do paid at Head Office for Outside Service.....	2,650 00	
Crown Timber Agencies.		
Crown Timber Agents.....	5,600 00	
Bookkeeper's salary, Winnipeg.....	1,095 00	
Contingencies.....	4,000 00	
Forest Rangers	5,600 00	
Inspector of Ranches' salary.....	600 00	
do contingencies	200 00	
Forestry Commissioner's salary.....	2,000 00	
do travelling expenses.....	1,200 00	
Stationery and Printing for Outside Service.	4,000 00	
To provide for payment to the following members of the Civil Service for services in connection with the Board of Examiners for Dominion Land Surveyors:—		
Edward Deville, \$80; W. F. King, \$80; William Pearce, \$80; A. H. Whitcher, \$80; P. B. Symes, \$80.....	400 00	
To provide for the payment of members of the Board of Examiners of Dominion Land Surveyors who are not members of the Civil Service, and the expenses of the Board.....	800 00	
Half-Breed Claims.		
Commission expenses.....	3,000 00	
British Columbia.		
Dominion Lands Agent's salary.....	2,800 00	
do contingencies.....	1,000 00	
Clerks.....	3,010 00	
Crown Timber Agent's salary.....	1,600 00	
do contingencies.....	1,200 00	
	146,268 25	
Carried forward	8,452,401 75	15,951,190 10

SCHEDULE B—*Concluded.*

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	8,452,401 75	15,951,190 10
COLLECTION OF REVENUES— <i>Concluded.</i>		
DOMINION LANDS—INSIDE SERVICE.		
Extra Clerks at Head Office, Ottawa... ..	\$ 28,000 00	
Advertising, copying, &c.....	7,000 00	
	35,000 00	8,487,401 75
DOMINION LANDS.		
<i>(Chargeable to Capital.)</i>		
To provide for the amount required for surveys, examination of survey returns, printing of plans, &c.....		110,000 00
Total.....		24,548,591 85

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty



51 VICTORIA.

CHAP. 2.

An Act to authorize the raising, by way of loan, of certain sums of money for the Public Service.

[Assented to 22nd May, 1888.]

HER Majesty, by and with the advice and consent of the Preamble.
Senate and House of Commons of Canada, enacts as follows :—

1. In addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, the Governor in Council is hereby authorized to raise, by way of loan, such sum or sums of money, not to exceed in the whole the sum of twenty-five million dollars, as may be required for the purpose of paying the floating indebtedness of the Dominion of Canada and for the carrying on of the public works authorized by the Parliament of Canada. Loan of \$25,000,000 authorized.

2. The sums of money hereby authorized to be raised by way of loan shall be so raised in accordance with and under the provisions of that portion of chapter twenty-nine of the Revised Statutes of Canada relating to the public debt and the raising of loans authorized by Parliament; and the sums raised under the authority of this Act shall form part of the Consolidated Revenue Fund of Canada: Provided always, that the rate of interest to be paid on any loan to be raised under this Act shall not exceed four per centum per annum. To be raised under R.S.C., c. 29. Proceeds to form part of Con. Rev. Fund.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 3.

An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.

[Assented to 22nd May, 1888]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Subsidies authorized.

1. The Governor in Council may grant the subsidies hereinafter mentioned to the railway companies and towards the construction of the railways also hereinafter mentioned, that is to say :—

To the Ottawa and Parry Sound Railway Company, for 22 miles of their railway from a point on the Canadian Pacific Railway to Eganville, in lieu of the subsidy granted by 49 Victoria, Chapter 10, for a railway from a point on the Canadian Pacific Railway to Eganville, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....\$	70,400 00
To the Nova Scotia Central Railway Company, for 46 miles of their railway, in the Province of Nova Scotia, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	147,200 00
To the Montreal and Champlain Junction Railway Company, for 3 miles of their railway from the end of the present subsidized section, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	9,600 00
To the Massawippi Junction Railway Company, for their railway from a point on the Atlantic and North-West Railway near the Village of Magog, to Ayer's Flat Station on the Massawippi Valley Railway, in lieu of the subsidy granted by 50-51 Victoria, Chapter 24, a subsidy of.....	32,000 00

<p>To the Pontiac Pacific Junction Railway Company, for bridging the several channels of the Ottawa River at Culbute and west thereof, a subsidy of \$31,500, to be paid out monthly as the work progresses, upon the certificate of the Chief Engineer of Government Railways, in the proportion which the value of the work executed bears to the value of the whole work undertaken, and for three miles of their railway extending from a point three miles east of Pembroke to Pembroke in the Province of Ontario, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole \$9,600, provided that the entire work subsidized upon this railway shall be completed within four years from the passing of this Act, the subsidy granted by this Act not to exceed in the whole.....</p>	\$41,100 00
<p>To the Port Arthur, Duluth and Western Railway Company, for 84½ miles of their railway from Port Arthur towards Gun Flint Lake, in lieu of the subsidies granted by 48-49 Victoria, Chapter 59, and 49 Victoria, Chapter 10, for the construction of a railway from Murillo Station to Crooked Lake, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....</p>	271,200 00
<p>To the Quebec and Lake St. John Railway Company, for 30 miles of their railway from Lake St. John towards Chicoutimi, or from Chicoutimi towards Lake St. John, being a transfer made at the request of the Saguenay and Lake St. John Railway Company of the subsidy granted to them by 50-51 Victoria, Chapter 24, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....</p>	96,000 00
<p>To the Temiscouata Railway Company, for 20 miles of their branch railway from Edmonston towards the St. Francis River, in the Province of Quebec, in lieu of the subsidy granted by 50-51 Victoria, Chapter 24, a subsidy of.....</p>	100,000 00
<p>To the Quebec Central Railway Company, for the construction and completion of a line of railway from Saint Francis Station to a point on the Atlantic and North-West Railway near Moose River, 90 miles, in lieu of the balance of the subsidy, unearned, granted by 47 Victoria, Chapter 8, a subsidy not exceeding \$21,191.54 per an-</p>	

	num for twenty years, or a guarantee of a like sum for a like period as interest on the bonds of the Company,—such annual subsidy for twenty years representing a grant in cash of.....	288,000 0
To	the Central Railway Company of New Brunswick, a grant as subsidy (the road to be first laid with new steel rails weighing not less than 56 pounds per lineal yard, and after an Order in Council has been passed authorizing their transfer to the Company) of 4,052 tons of used iron rails and fastenings loaned to the St. Martins and Upham Railway Company, now forming part of the Central Railway,—which rails and fastenings stand in the Public Accounts as an asset of.....	\$83,612 54
To	the Elgin, Peticodiac and Havelock Railway Company of New Brunswick, a grant as subsidy (the road to be first laid with new steel rails weighing not less than 56 pounds per lineal yard, and after an Order in Council has been passed authorizing their transfer to the Company) of 2,201 tons of used iron rails and fastenings loaned to the Elgin Branch Railway, now forming part of the Elgin, Peticodiac and Havelock Railway—which rails and fastenings stand in the Public Accounts as an asset for	44,252 82
To	the Kent Northern Railway Company of New Brunswick, a grant as subsidy (the road to be first laid with new steel rails weighing not less than 56 pounds per lineal yard, and after an Order in Council has been passed authorizing their transfer to the Company) of 2,549 tons of used iron rails and fastenings loaned to the Company,—which rails and fastenings stand in the Public Accounts as an asset for	58,334 27
To	the Halifax Cotton Company, of Nova Scotia, a grant as subsidy (the road to be first laid with new steel rails weighing not less than 56 pounds per lineal yard, and after an Order in Council has been passed authorizing their transfer to the Company) of 233 tons of used iron rails and fastenings loaned to the Company,—which rails and fastenings stand in the Public Accounts as an asset for.....	4,335 00
To	the Steel Company of Canada, in Nova Scotia, a grant as subsidy (the road to be first laid with new steel rails weighing	

not less than 56 pounds per lineal yard, and after an Order in Council has been passed authorizing their transfer to the Company) of 597 tons of used iron rails and fastenings loaned to the Company, —which rails and fastenings stand in the Public Accounts as an asset for.....

11,964 66

To the Albert Railway Company of New Brunswick, a grant as subsidy (the section of road to be first laid with new steel rails weighing not less than 56 pounds per lineal yard, and after an Order in Council has been passed authorizing their transfer to the Company) of 726 tons of used iron rails and fastenings loaned to the Company, —which rails and fastenings stand in the Public Accounts as an asset for.....

\$14,665 45

To the Chatham Branch Railway of New Brunswick, a grant as subsidy (the road to be first laid with new steel rails weighing not less than 56 pounds per lineal yard, and after an Order in Council has been passed authorizing their transfer to the Company) of 958 tons of used iron rails and fastenings loaned to the Company, —which rails and fastenings stand in the Public Accounts as an asset for

24,439 84

2. All the lines, for the construction of which subsidies are granted, shall be commenced within two years from the first day of August next, and completed within a reasonable time, not to exceed four years, to be fixed by Order in Council, and shall also be constructed according to descriptions and specifications, and upon conditions to be approved by the Governor in Council, on the report of the Minister of Railways and Canals, and specified in an agreement to be made in each case by the Company with the Government, and which the Government is hereby empowered to make; the location also of every such line of railway shall be subject to the approval of the Governor in Council; and all the said subsidies respectively, payable in cash, shall be payable out of the Consolidated Revenue Fund of Canada by instalments, on the completion to the satisfaction of the Minister of Railways and Canals, of each section of the railway of not less than ten miles, proportionate to the value of the portion so completed in comparison with that of the whole work undertaken, to be established by the report of the said Minister, or upon completion of the work subsidized.

On what conditions subsidies may be granted.

How payable.



51 VICTORIA.

CHAP. 4.

An Act to make further provision respecting the granting of a subsidy to the Chignecto Marine Transport Railway Company (Limited).

[Assented to 22nd May, 1888.]

Preamble. **H**ER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Time for completion of works extended.
49 V., c. 18.

1. Notwithstanding anything contained in the Act forty-ninth Victoria, chapter eighteen, or in the indenture set forth in the schedule thereto, the date on or before which the Chignecto Marine Transport Railway Company (Limited) shall, to entitle them to receive the subsidy therein mentioned, be bound to complete the works referred to in the said indenture, shall be the first day of July, one thousand eight hundred and ninety, instead of the first day of July, one thousand eight hundred and eighty-nine, as provided by paragraph six of the said indenture.

Further delay accorded conditionally.

2. If the Company have not completed the said works by the said first day of July, one thousand eight hundred and ninety, they shall be accorded a further delay of twenty-four months from the said day for completing the same, on the condition that the Company pay monthly a penalty of five thousand dollars to the Minister of Finance, for the public uses of Canada, for each month during which the works remain uncompleted.

Section 2 amended.

3. Section two of the Act hereinbefore cited is hereby amended by substituting the words “ five millions five hundred thousand dollars ” for the words “ five millions of dollars ” in the last line of the said section.

Powers continued.

4. All powers conferred upon the Company by any Act of the Parliament of Canada are hereby continued and extended for the periods and on the conditions hereinbefore set forth.



51 VICTORIA.

CHAP. 5.

An Act to make further provision respecting the construction of the ship channel between Montreal and Quebec.

[Assented to 22nd May, 1888.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Government of the Dominion of Canada may release and discharge the corporation of the Harbor Commissioners of Montreal from all liability to repay to the said Government the whole or any part of the advances made to the said corporation to enable them to widen and deepen the channel in lake St. Peter and the river St. Lawrence from Montreal to Quebec, or any interest thereon beyond the amount of interest already paid by them to the Government, it being understood that no portion of the amount so paid for interest is to be refunded. Montreal Harbor Commissioners may be released from certain obligations.

2. The Government may pay to the said corporation of the Harbor Commissioners of Montreal a sum not exceeding the sum of thirty-seven thousand four hundred and five dollars, which the said commissioners represent as being the excess of their expenditure (apart from their expenditure on capital account) over their net revenue during the calendar year one thousand eight hundred and eighty-seven. Excess of expenditure may be repaid to them.

3. The Government may, in addition to the said payment specified in the next preceding section, expend, through the medium of the said Harbor Commissioners or otherwise, in the work of completing the said channel, the amount now remaining unexpended of the sums authorized, by any Act heretofore passed, to be advanced to the said Harbor Commissioners of Montreal for the purpose of completing the said channel. Certain moneys may be expended on works.

**Tonnage dues
abolished.**

4. No tonnage dues heretofore payable to the said Harbor Commissioners shall hereafter be levied on, or collected from, any sailing vessel or steamer at the port of Montreal.

**Plant vested
in Govern-
ment.**

5. The dredging plant and appliances heretofore used by the said Harbor Commissioners, in connection with the said channel works, shall hereafter belong to the Government of Canada.

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51 VICTORIA.

CHAP. 6.

An Act relating to certain advances made to the Quebec Harbor Commissioners.

[Assented to 22nd May, 1888.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The graving dock built at Lévis, opposite Quebec, shall henceforward be and become a public work of Canada, and shall be under the control of the Minister of Public Works of Canada and administered by him; and the Corporation of the Quebec Harbor Commissioners shall cease to have any control over it, and all powers, privileges and authorities in connection therewith now vested in the said Corporation of the Quebec Harbor Commissioners shall cease, and the same shall henceforward be vested in the Government of Canada.

Lévis graving dock to belong to Canada.

2. The said Corporation of the Quebec Harbor Commissioners shall be released and discharged from any and all obligation to repay to the Government of Canada the whole or any part of the advances made to them by the said Government under the provisions of any Act heretofore passed for the purpose of defraying the expense of constructing the said graving dock, and from any obligation to pay to the said Government any sums of money to provide for the payment of interest thereon or for the formation of a sinking fund in connection therewith.

Quebec Harbor Commissioners released from liability.

3. Out of the bonds of the said Corporation of the Quebec Harbor Commissioners now held by the Minister of Finance and Receiver General, to cover advances made to the said Corporation of the Quebec Harbor Commissioners by the Government of Canada to meet payments on account of improvements in the Harbor of Quebec and in connection with the wet or tidal dock at the mouth of the River Saint Charles, there shall be returned to the said Corporation of

A certain amount in bonds to be released to the commissioners.

the Quebec Harbor Commissioners such amount of bonds as shall be equal, in par value, to the amount which has been paid out of capital by the said Corporation of the Quebec Harbor Commissioners to the said Government for interest and sinking funds on the bonds so deposited as aforesaid with the Minister of Finance and Receiver General, and the said Corporation of the Quebec Harbor Commissioners shall thenceforward be released from any obligation in connection with the bonds so to be returned as aforesaid and the advances represented thereby.

Rate of interest.

Bonds now held by Government to be replaced.

Proviso: as to moneys paid as sinking fund.

4. From and after the first day of January, one thousand eight hundred and eighty-eight, the rate of interest to be paid on all the bonds so deposited as aforesaid and on all bonds thereafter deposited, to cover further advances for the same purpose, shall be four per cent. per annum without sinking fund, and all of the said bonds remaining in the hands of the Minister of Finance and Receiver General, after deducting the amount to be returned as in the next preceding section provided, shall be replaced with bonds of the said Corporation of the Quebec Harbor Commissioners for the same par value, in such form as he approves, bearing interest at four per cent. per annum without sinking fund: Provided always, that all amounts actually paid to the Government of Canada by the said Corporation of the Quebec Harbor Commissioners for sinking fund on their said bonds shall be the property of the Government of Canada and form part of the Consolidated Revenue Fund of Canada.

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51 VICTORIA.

CHAP. 7.

An Act to amend "The Consolidated Revenue and Audit Act," Chapter twenty-nine of the Revised Statutes of Canada.

[Assented to 4th May, 1888.]

WHEREAS it is expedient to amend "*The Consolidated Revenue and Audit Act*" as hereinafter provided: R.S.C., c. 29. Preamble.
Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The salary of the Auditor General of Canada shall be four thousand dollars per annum, and his salary shall be paid to him at such rate as from the first day of July, one thousand eight hundred and eighty-seven. Salary of the Auditor General.

2. The Auditor General shall be subject to the provisions of "*The Civil Service Superannuation Act*" except as regards his tenure of office. R.S.C., c. 18 to apply.

3. Section twenty-six of the Act cited in the preamble is hereby amended by striking out the words "Governor in Council" in the first line, and substituting the words "Treasury Board" in lieu thereof. Section 26 of R.S.C., c. 29 amended.

4. Section thirty-one of the said Act is hereby repealed and the following substituted therefor:— Section 31 repealed; new section.

"31. The Auditor General shall see that no cheque issues for the payment of any public money for which there is no direct parliamentary appropriation, or in excess of any portion of such appropriation, the expenditure of which has been authorized by the Governor in Council; and he shall report to the Treasury Board through the Minister of Finance and Receiver General, any case in which a sub-accountant has expended money out of the proceeds of any accountable credit, for any purpose for which there is no legislative authority, or beyond the amount for which there Duty of Auditor as to issue of cheques. Report in case of excess.

is such authority, or for any other appropriation or purpose not connected with such credit."

Section 32 amended.

5. Section thirty-two of the said Act is hereby amended by striking out the words "Minister of Finance and Receiver General" in the ninth line and substituting the words "Treasury Board" in lieu thereof.

Section 35 repealed; new section.

6. Section thirty-five of the said Act is hereby repealed and the following substituted therefor:—

Account by Minister of Finance for Auditor General; what to show.

"35. The Minister of Finance and Receiver General shall cause an account to be prepared and transmitted to the Auditor General, on or before the thirtieth day of September in every year, showing the issues made from the Consolidated Revenue Fund in the financial year ended on the thirtieth day of June preceding, for services directly under his control; and such accounts and the reports of the Auditor General thereon shall be laid before the House of Commons by the Minister of Finance and Receiver General, on or before the thirty-first day of January in the following year, if Parliament is then sitting, and if not sitting, then within one week after Parliament is next assembled."

Accounts and report to be laid before Parliament.

Section 36 amended.

7. Section thirty-six of the said Act is hereby amended by striking out all the words after the word "Parliament" in the fourth line to the end of the section.

Sections 38, 39 and 40 repealed; new sections.

8. Sections thirty-eight, thirty-nine and forty of the said Act are hereby repealed and the following substituted therefor:—

Accounts to be prepared and transmitted for examination.

"38. On or before the thirtieth day of September in every year, accounts of the appropriation of the several supply grants comprised in the Appropriation Act for the year ending thirtieth June then last, or in any other Act, shall be prepared by the several departments, and be transmitted for examination to the Auditor General and to the Deputy of the Minister of Finance and Receiver General, and when certified and reported upon, as hereinafter directed, they shall be laid before the House of Commons; and such accounts shall be called the "Appropriation Accounts" of the moneys expended for the services to which they respectively relate; and the Auditor General shall certify and report upon such accounts, as hereinafter directed; and each account shall be examined under the direction of the Auditor General, by such officer or clerk in his office as he directs; and such officer or clerk shall certify to the due examination of such account, and the Auditor General shall certify that the account has been examined under his direction and is correct."

Examination of and report on such accounts.

"39. The department charged with the expenditure of any vote under the authority of the Governor in Council, shall prepare the appropriation account thereof."

Departmental appropriation accounts.

"40. The department charged with the duty of preparing the appropriation account of a grant shall transmit to the Auditor General, together with the annual appropriation account of such grant, a balance sheet so prepared as to show the debtor and creditor balances in the ledger of such department on the day when the said appropriation account was closed, and to verify the balances appearing upon the annual appropriation account; and any balances outstanding in the hands of any person or persons unexpended or unaccounted for at such period shall be accounted for and settled as soon thereafter as is practicable, but not later than the termination of the next succeeding fiscal year."

Duty of department preparing such accounts.

Balances outstanding.

9. Sections forty-three and forty-four of the said Act are hereby repealed and the following substituted therefor :—

Sections 43 and 44 repealed; new sections.

"43. Every appropriation account, when rendered to the Auditor General, shall be accompanied by an explanation showing how the balances on the grants included in the previous account have been adjusted, and shall also contain an explanatory statement of any excess of expenditure over the grants included in such account; and such statement, as well as the appropriation account, shall be signed by the deputy head and the accountant or such other duly authorized officer of such department as the Treasury Board determines."

Explanation as to balances to accompany accounts.

"44. Every appropriation account shall be examined by the Auditor General, on behalf of the House of Commons; and in the examination of such accounts, the Auditor General shall ascertain, first, whether the payments which the accounting department has charged to the grant are supported by the vouchers required by this Act and by proofs of payment; and, second, whether the money expended has been applied to the purposes for which such grant was intended to provide: Provided always, that whenever it appears to the Minister of Finance and Receiver General, that the expenditure included, or to be included, in any appropriation account, or any portion of such expenditure, calls for further examination, he may instruct the Auditor General to examine such expenditure and to report to the Minister of Finance and Receiver General thereon; and if the Minister of Finance and Receiver General does not, thereupon, see fit to sanction such expenditure, it shall be regarded as being not properly chargeable to a Parliamentary grant, and shall be reported to the House of Commons, in the manner hereinafter provided."

Examination of accounts by the Auditor General.

Further examination when required.

Report to House of Commons if not authorized.

Section 48 repealed ; new section.

10. Section forty-eight of the said Act is hereby repealed and the following substituted therefor :—

In report attention to be called to any excess of expenditure, &c.

“48. In reporting as hereinbefore directed for the information of the House of Commons, the result of the examination of the appropriation accounts, the Auditor General shall call attention to every case in which cheques have been issued without his certificate,—or in which a grant has been exceeded,—or in which money received by a department from other sources than the grants for the year to which the account relates has not been applied or accounted for according to the directions of Parliament,—or in which a sum charged against a grant is not supported by proof of payment,—or in which a payment so charged did not occur within the period of the account, or was, for any other reason, not properly chargeable against the grant or was, in any way, irregular.”

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51 VICTORIA.

CHAP. 8.

An Act relating to the interest payable on deposits in the Post Office and Government Savings Banks.

[Assented to 22nd May, 1888.]

HER Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble.

1. Section seventy-two of chapter thirty-five of the Revised Statutes of Canada, respecting the Postal Service, is hereby repealed and the following substituted therefor :— Section 72 of R.S.C., c. 35 repealed; new section.

“**72.** The interest payable to the persons making such deposits shall be at such rate, not exceeding the rate of four per centum per annum, as the Governor in Council from time to time prescribes, but such interest shall not be calculated on any amount less than one dollar or some multiple thereof, and shall not commence until the first day of the month next following the day of deposit, and shall cease on the first day of the month in which such deposit is withdrawn.” What interest shall be payable.
Basis of calculation.

2. Section ten of chapter one hundred and twenty-one of the Revised Statutes of Canada, respecting Government Savings Banks, is hereby repealed and the following substituted therefor :— Section 10 of R.S.C., c. 121 repealed; new section.

“**10.** The interest payable to the persons making such deposits shall be at such rate, not exceeding the rate of four per centum per annum, as the Governor in Council from time to time prescribes; but such interest shall not be calculated on any sum less than one dollar, or on any sum other than a dollar or the multiple of a dollar.” What interest shall be payable.
Basis of calculation.

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51 VICTORIA.

CHAP. 9.

An Act further to amend the Revised Statutes, Chapter five, respecting the Electoral Franchise.

[Assented to 22nd May, 1888.]

Preamble.

IN further amendment of "*The Electoral Franchise Act*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Lists of voters
need not be
revised in
1888.

1. It shall not be necessary that any revision of the lists of voters prepared in accordance with the provisions of "*The Electoral Franchise Act*" shall be proceeded with during the present year, one thousand eight hundred and eighty-eight, but the lists of voters in force at the time of the passing of this Act shall continue in force until the same are finally revised, in accordance with the provisions of the said Act, in the year one thousand eight hundred and eighty-nine.

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51 VICTORIA.

CHAP. 10.

An Act to amend "The North-West Territories Representation Act."

[Assented to 22nd May, 1888.]

WHEREAS it is desirable that elections should be held in the North-West Territories on the same day as they are held in other parts of Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Preamble.

1. Section fifteen of "*The North-West Territories Representation Act*" is hereby repealed, and the following section substituted in lieu thereof:—

Section 15 of R.S.C., c. 7 repealed; new section.

"**15.** At least eight days before the day fixed in the writ for the nomination of candidates the returning officer shall cause to be posted up in a conspicuous position, in at least ten of the most public places in the electoral district, a proclamation in the form E, in the schedule to this Act, in which proclamation shall be set forth—

Proclamation to be posted up.

What it shall set forth.

"(a.) The place and time fixed for the nomination of candidates;

Nomination.

"(b.) The day on which the poll for taking the votes of the electors is to be held in case a poll is demanded;

Day of polling.

"(c.) The several polling stations fixed by him, and the territorial limits to which they respectively apply;

Polling stations.

"(d.) The time when and the place where the returning officer will sum up the number of votes given to the several candidates."

Summing up votes.

2. Sections twenty-five and twenty-six of the said Act are hereby repealed, and the following are substituted in lieu thereof:—

Sections 25 and 26 repealed; new sections.

"**25.** Immediately upon the receipt by the returning officer of the writ for the election, the returning officer shall subdivide the electoral district into as many polling divisions as he deems necessary for the convenience of the electors; and he shall number or otherwise designate them, and fix upon a suitable polling station in each such division."

Polling subdivisions to be established.

When poll
shall be held.

"26. Whenever a poll has been granted it shall be held on the seventh day next after the expiration of the day fixed for the nomination of candidates, that is on the same or corresponding day of the week next after that on which the nomination has taken place, or if such seventh day is a statutory holiday, then on the next following day not being a Sunday or a statutory holiday."

Sections 28
and 29 repeal-
ed; new sec-
tions.

Appointment
of enumera-
tors.

3. Sections twenty-eight and twenty-nine of the said Act are hereby repealed, and the following substituted in lieu thereof:—

"28. The Governor General may appoint enumerators to make lists of the electors in the electoral district; and if such appointments have not been made before the issue of a writ for the election, the returning officer, immediately upon his receiving such writ, conjointly with any two Justices of the Peace, or with one Justice of the Peace and a Notary Public, or with any one of them, resident in or near the electoral district and two electors of such district, neither of the number being a candidate, shall appoint under their hand a competent and reliable person to be enumerator for any one or more polling divisions of such district; and the returning officer shall see that no polling division is omitted to be included in some one of such appointments:

Oath of office
to be taken.

"2. The enumerator shall, before acting as such, take the oath of office in the form J, in the schedule to this Act."

List of voters
to be prepar-
ed.

"29. Each such enumerator, upon his appointment and having first taken the oath of office, shall immediately thereafter compile a list of the persons qualified as electors to vote at the election then pending, for the polling division or each of the polling divisions for which he has been appointed; and he shall make three plainly written copies of the same, with the names of the voters alphabetically arranged, giving the occupation and residence of each voter, in the form K, in the schedule to this Act."

Form E re-
pealed and
new form sub-
stituted.

4. The form E in the schedule to the said Act is hereby repealed, and the following substituted in lieu thereof:—

"E. .

Proclamation of the returning officer declaring the time and place fixed for the nomination of candidates, and also the day for opening the poll, and the polling stations and polling districts.

PROCLAMATION.

Electoral District of _____, to wit:

Public notice is hereby given to the electors of the electoral district aforesaid, that, in obedience to Her Majesty's Writ to me directed, and bearing date the

day of 18 , I require the presence of the said electors at (*describe the place where the nomination is to take place*), in the county (or township, or in the city or town) of , on the day of the month of , from noon until two of the clock in the afternoon, for the purpose of nominating a person (or persons, *as the case may be*), to represent them in the House of Commons of Canada ; and that in case a poll is demanded and allowed in the manner by law prescribed, such poll will be opened on the day of the month of , in the year from the hour of nine in the forenoon till five of the clock in the afternoon in each of the polling districts, that is to say :

For the polling district No. 1, consisting of (or bounded as follows, or *otherwise describing it clearly*) at (*describing the polling station*):—
(*and so continuing for all the other polling districts and stations in the electoral district*).

And further, that on the day of at I shall sum up the votes given for the several candidates and return as elected the one (*or as the case may be*) having the majority of votes.

Of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand at , this day of , in the year 18

(*Signature*), A. B.,
Returning Officer.”

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51 VICTORIA.

CHAP. II.

An Act to amend "The Dominion Elections Act,"
chapter eight of the Revised Statutes of Canada.

[Assented to 22nd May, 1888.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 4 of
R.S.O., c. 8
repealed;
new section.

Day of nomi-
nation of can-
didates, how
fixed.

1. Section four of "*The Dominion Elections Act*," being chapter eight of the Revised Statutes of Canada, is hereby repealed and the following substituted therefor:—

"4. The Governor General shall, except as hereinafter mentioned, fix the day for the nomination of candidates at the election, and shall, at every general election, fix one and the same day for the nomination of candidates in all the electoral districts, except in the electoral districts of Algoma, in the Province of Ontario, and of Cariboo, in the Province of British Columbia."

Part of sec-
tion 14 re-
pealed.

Exception in
cases speci-
fied.

2. Sub-sections two and three of section fourteen, of the said Act are hereby repealed, and the following sub-section substituted therefor:—

"2. In the electoral districts of Algoma in the Province of Ontario, and of Cariboo, in the Province of British Columbia, the returning officers shall fix the day for the nomination of candidates, and also the day and places for holding the polls; the nomination in the said electoral districts shall take place not less than fifteen days nor more than thirty days after the proclamation hereinafter required has been posted up; and the day for holding the polls shall be not less than fifteen days nor more than thirty days after the day on which the nomination is to take place,—neither the day of nomination nor the day of posting the proclamation being reckoned."

Section 16 re-
pealed; new
section.

3. Section sixteen of the said Act is hereby repealed and the following substituted therefor:—

"16. Within twenty days after the reception of the writ in the electoral districts of Algoma, in the Province of Ontario, and of Cariboo, in the Province of British Columbia, and within eight days after such reception in the other electoral districts of Canada, the returning officer shall, by a proclamation under his hand, issued in the English and French languages in every electoral district in the Province of Quebec and in the Province of Manitoba, and in the English language only in the other electoral districts, indicate,—

Proclamation
by returning
officer.

"(a.) The place and time fixed for the nomination of candidates ;

Nomination.

"(b.) The day on which the poll for taking the votes of the electors is to be held, in case a poll is demanded ;

Day of poll.

"(c.) The several polling stations fixed by him, and the territorial limits to which they respectively apply ;

Polling sta-
tions.

"(d.) The time when and the place where the returning officer will sum up the number of votes given to the several candidates ;

Summing up
votes.

"Such proclamation shall be in the form E, in the first schedule to this Act."

Form.

4. Section twenty-nine of the said Act is hereby amended by adding the following sub-section at the end thereof:—

Section 29
amended.

"2. The ballot and counterfoil shall be printed upon thick writing paper of the following weight: if foolscap paper is used, it shall be of a weight of not less than seventeen pounds to the ream ; if large post paper is used it shall be of a weight of not less than twenty-nine pounds to the ream."

Description of
paper to be
used.

5. Section thirty-four of the said Act is hereby amended by adding at the end thereof the words following: " and a table or desk with a hard and smooth surface shall be provided, upon which the voter may mark his ballot paper."

Section 34
amended ;
table to be
provided.

6. Section forty-four of the said Act is hereby amended by adding at the end thereof the words following: " and no more than two agents of any candidate shall have the right to vote at any one polling place under such certificates."

Section 44
amended as to
right of
agents voting
at polling
places.

7. Sub-section two of section forty-five of the said Act is hereby repealed, and the following substituted therefor:—

Section 45
amended.

"2. Such elector, if required by the deputy returning officer, the poll clerk, one of the candidates or one of their agents, or by any elector present, shall, before receiving his ballot paper, take the oath of qualification in the form S in the first schedule to this Act,—which oath the deputy returning officer and poll-clerk are each hereby authorized to administer."

Oath to be
taken by
voter if re-
quired.

Section 58 repealed; new section.

Statement, &c., to be inclosed in ballot box.

8. Section fifty-eight of the said Act is hereby repealed and the following section substituted therefor:—

"58. The deputy returning officer, immediately after the completion of the counting of the votes at the close of the poll shall make out a statement of the accepted ballot papers, of the number of votes given to each candidate, of the ballot papers counted which were deposited by persons whose right to be registered on the list of voters and to vote and by persons the exclusion of whose names from the list of voters, appeared by the said list to be the subjects of undecided appeals, as aforesaid, of the rejected ballot papers, of the spoiled and returned ballot papers, and of those unused and returned by him; and he shall make and keep a copy of such statement, and inclose in the ballot box the original thereof, together with the list of voters used by him, the poll-book and a certificate in such poll-book immediately following the name of the person last entered on such poll-book, as having voted or applied for a ballot paper, of the total number of persons who voted, and shall inclose in the ballot box such other lists and documents as have been used at such election:

Delivery of ballot boxes to returning officer.

"2. The ballot box shall then be locked and sealed with the seal of the deputy returning officer and the seals of such agents of the candidates as desire to affix their seals, in such manner as to prevent the introduction of additional ballot papers, and shall be delivered to the returning officer or to the election clerk, who shall receive or collect the same, and if both of them are unable so to do, then to one or more persons specially appointed for that purpose by the returning officer, who shall, on delivering the ballot box to the returning officer, take the oath in the form Z, in the first schedule to this Act:

Oath to be taken.

Oath to be attached to statement.

"3. The deputy returning officer and the poll clerk shall respectively take the oaths in the forms AA and BB in the first schedule to this Act, which shall be annexed to the statement above mentioned; the oath may be administered to the deputy returning officer by the poll clerk, and the statement before mentioned, before being inclosed in the ballot box, shall be signed by the deputy returning officer, and by such of the candidates, or their agents, as are present and desire to sign the same."

Section 63 amended.

Provision in case statements, &c., are not found in ballot box.

9. Section sixty-three of the said Act is hereby amended by adding thereto the following sub-section:—

"2. Whenever by reason of any circumstance the lists or statements or certificates before referred to are not found in the ballot boxes, or any of them, the returning officer may use copies thereof and if copies are not available he may proceed, in the manner hereinbefore directed, to ascertain by the ballots or by such evidence as he is able to obtain, the total number of votes given to each candidate at the several polling places, and he shall return the candidate having the majority

majority of votes, and shall mention specially in his report to be sent with the return, the circumstances accompanying the disappearance of any such list, statement or certificate, and the mode by which he ascertained the number of votes given to each candidate; the returning officer may, for the purpose of fulfilling the requirements of this section, adjourn the proceedings for the period mentioned in the next preceding section, and thereafter from day to day as occasion requires during a period not exceeding one further week." Special report.

10. Form O in the first schedule to the said Act is amended by adding after the word "affection" the following words: "and that I will keep secret the names of the candidates for whom any of the voters at the polling station in the polling district, No. , marks his ballot paper in my presence at this election." Form O amended.

11. Form S in the said first schedule shall hereafter be the form of oath of qualification of all persons registered on the list of voters, and the forms T, U, V and W in the said first schedule, are hereby repealed. Form of oath of qualification.

12. Form AA in the said first schedule is hereby amended by adding at the end thereof the words "*or* I. J., Poll Clerk." Form AA amended.

13. No officer, clerk, or agent, or other person shall communicate at any time to any person any information as to the number on the back of the ballot paper given to any voter at a polling station, nor shall attempt to ascertain at the counting of votes the number on the back of any ballot paper: Certain information not to be communicated.

2. No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked the same, so as to make known to any person the name of the candidate for or against whom he has so marked his vote: Ballot paper not to be displayed.

3. Every person who acts in contravention of the provisions of this section shall be liable, on summary conviction before two justices of the peace, to imprisonment for any term not exceeding six months, with or without hard labor, or to a fine not exceeding five hundred dollars and not less than fifty dollars. Penalty for contravention.

14. Every person who votes or induces or procures any person to vote at any election, knowing that he or such person is not entitled to vote thereat, is guilty of a corrupt practice within the meaning of the said Act: Voting or inducing to vote without being entitled a corrupt practice.

2. Any person who before or during any election knowingly publishes a false statement of the withdrawal of a candidate at such election, for the purpose of promoting or procuring the election of another candidate, is guilty of a corrupt practice within the meaning of the said Act: Publication of a certain false statement a corrupt practice.

Exception. 3. Provided, that a candidate shall not be liable, nor shall his election be avoided, for any corrupt practice under this section committed by his agent other than his agent appointed under the provisions of section one hundred and eighteen of the said Act.

Corrupt practices by agents. 15. Where, upon the trial of an election petition, the court reports that a candidate at such election has been guilty by his agent or agents of the offence of treating and undue influence or of either of such offences, in reference to such election, and the court further reports that the candidate has proved to the court,—

Proof that candidate or appointed agent was not cognizant of offence. (a.) That no corrupt or illegal practice was committed at such election by the candidate, or his agent appointed under the provisions of section one hundred and eighteen of the said Act, and that the offences mentioned in the said report were committed contrary to the orders and without the sanction or connivance of such candidate or his said agent; and—

That precautions were taken. (b.) That such candidate and his said agent took all reasonable means for preventing the commission of corrupt and illegal practices at such election; and—

That offence was trivial. (c.) That the offences mentioned in the said report were of a trivial, unimportant, and limited character; and—

As to other matters. (d.) That in all other respects the election was free from any corrupt or illegal practice on the part of such candidate and of his agents;

Election not void. Then the election of such candidate shall not, by reason of the offences mentioned in such report, be void, nor shall the candidate be subject to any incapacity under the Act hereby amended or under this Act.

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51 VICTORIA.

CHAP. 12.

An Act to amend "The Civil Service Act," chapter seventeen of the Revised Statutes of Canada.

[Assented to 22nd May, 1888.]

WHEREAS it is expedient to amend "*The Civil Service Act*," in the manner hereinafter set forth : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Preamble.
R.S.O., c. 17.

1. Section seven of the said Act is hereby repealed.

Section 7
repealed.

2. Section nine of the said Act is hereby amended by adding the following sub-sections thereto :—

Section 9
amended.

"2. Whenever the Board are satisfied that any irregularity or fraudulent practice has obtained at any examination held by them or by any person deputed by them to hold the same, they may summon before them by an instrument signed by the chairman or acting chairman of the Board, and may examine under oath or affirmation, any person who, in their opinion, is in a position to give evidence in relation to any such irregularity or fraudulent practice ; and if the person so summoned neglects or refuses to appear, or having appeared, refuses to be examined upon oath or affirmation concerning the premises, or refuses to take an oath or affirmation, or having taken the oath or affirmation, refuses to answer such questions concerning the premises as are then put to him, without offering any just and lawful excuse for his refusal, the chairman or acting chairman of the Board shall be vested with all the powers conferred, in like cases, upon a justice of the peace by section thirty-two of "*The Summary Convictions Act*" :

Inquiry as to
irregularities
at examina-
tions.

Penalty for
refusing to
appear, &c.

"3. Every oath or affirmation required for the purposes of such examination may be administered by any member of the Board :

Administra-
tion of oath.

"4. If any person is proved by such inquiry to have been concerned in any fraudulent practice or to have been guilty of any breach of the regulations made in virtue of section thirty-one of this Act, the Board shall report the same to

Name of per-
son implicat-
ed to be re-
moved from
list.

the Secretary of State, who may thereupon cause such person's name to be removed from the list of persons who are found qualified :

Penalty for personation.

" 5. Every person who, at any examination held under this Act, personates any candidate or employs, induces or allows any person to personate him, is guilty of an offence against this Act, and is liable, on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding two hundred dollars, and, if he is employed in the Civil Service, to be dismissed therefrom :

Penalty for wrongfully receiving or furnishing examination papers.

" 6. Every person who surreptitiously procures from any printer or other person, and every person who, without authority, furnishes to any other person any examination question paper or any other paper relating to any such examination as aforesaid, is guilty of an offence against this Act, and liable, on summary conviction, to imprisonment, with or without hard labor, for a term not exceeding six months, or to a fine not exceeding two hundred dollars, and if he is employed in the Civil Service, to be dismissed therefrom ; and no such person shall be allowed to present himself at any subsequent examination."

Section 11 amended.

3. The following sub-section is hereby added to section eleven of the said Act :—

Deputy heads.

" 2. There shall be a deputy-head for each department ; and no officer shall hereafter be raised to the rank of deputy-head except in the case of a vacancy occurring, or when a new department is created by Act of Parliament ; but nothing herein shall affect persons who have been heretofore promoted to the rank of deputy-head.

Section 24 repealed ; new section.

Scale of salaries.

4. Section twenty-four of the said Act is hereby repealed and the following substituted therefor :—

" **24.** The salary of a clerk on appointment or promotion to any class shall begin at the minimum of such class, except in the case of third-class clerks, who may receive, in addition, fifty dollars for each optional subject (not to exceed four) in which they have passed before their appointment, and except in the case of lower grade permanent employees who, upon passing the qualifying examination, may be appointed third-class clerks, at the salary they were receiving at the time of such appointment, when such salary exceeds four hundred dollars :

Optional subjects.

" 2. The optional subjects in the next preceding sub-section mentioned shall be book-keeping, short-hand, translation and type-writing, composition in French by English candidates, composition in English by French candidates, and précis-writing."

Section 31 repealed ; new section.

5. Section thirty-one of the said Act is hereby repealed and the following substituted therefor :—

"31. The preliminary and qualifying examinations shall be held only once a year and during the month of November, under such regulations, not inconsistent with this Act, as are, from time to time, made by the Governor in Council and published in the English and French languages in the *Canada Gazette* :"

Holding of examination.

"2. Graduates of the Royal Military College, and of any University in Canada, shall be exempt from the qualifying examination."

Exemption.

6. Section thirty-two of the said Act is hereby amended by striking out the words "or in both" in the last line thereof.

Section 32 amended.

7. Section thirty-three of the said Act is hereby amended by striking out all the words after "examination" in the fourth line thereof.

Section 33 amended.

8. Sub-section two of section thirty-nine is hereby repealed and the following substituted therefor :—

Section 39 amended.

"2. Except as herein otherwise provided, such examination shall be held only once a year in the month of May, and shall be in such subjects as are determined, from time to time, for each department, by the Governor in Council, and in such subjects as, by report of the deputy head of the department in which the promotion is to be made, concurred in by the head of the department, are submitted to the board as best adapted to test the fitness of the candidates for the vacant office :"

Subjects for examination.

2. Sub-section four of the said section thirty-nine is hereby repealed and the following substituted therefor :—

Further amendment.

"4. In the case of barristers, attorneys, military or civil engineers, officers of the artillery in the militia department, and architects, draughtsmen and land surveyors, when employed or when seeking promotion in the line of their profession, and in the case of special class excisemen seeking promotion in the Department of Inland Revenue, the examination may be dispensed with on a report from the deputy head, concurred in by the head of the department, that such examination is not necessary."

Examination may be dispensed with in certain cases.

9. Sub-section one of section forty of the said Act is hereby repealed and the following substituted therefor :—

Section 40 amended.

"40. Once in each year, and not later than the fifteenth day of March, the deputy head of each department shall make and lay before the Board, through the Department of the Secretary of State, an estimate of the number of vacancies likely to occur therein during the ensuing year, in the first division, in the classes of—

Estimate to be prepared.

- (a.) Chief clerks ;
- (b.) First-class clerks ;
- (c.) Second-class clerks."

Section 42
amended.

10. Section forty-two of the said Act is hereby amended by striking out all the words after "service" in the ninth line of the said section.

Section 47
amended.

11. Sub-section two of section forty-seven is hereby repealed, and the following substituted therefor :—

Rate of remuneration.

"2. The rate of remuneration to be paid for temporary service shall not exceed the minimum salary of a third-class clerk, unless the service to be performed is technical and requires special qualifications; and such temporary employment shall not be considered as giving any claim to permanent appointment."

Further amendment.

2. The said section forty-seven is hereby further amended by adding the following sub-section thereto :—

Permanent appointment of temporary clerks.

"4. Temporary clerks employed continuously since the first day of July, one thousand eight hundred and eighty-two, may be appointed permanently, if otherwise qualified, at a salary equal to their average pay during the two years previous to such permanent appointment, but in no case exceeding the maximum salary of a third-class clerk."

Section 51
amended.

12. Sub-sections one and two of section fifty-one of the said Act are hereby repealed and the following substituted therefor :—

No extra remuneration.

"**51.** No extra salary or additional remuneration of any kind whatsoever shall be paid to any deputy-head, officer or employee in the Civil Service of Canada, or to any other person permanently employed in the public service."

Section 58
repealed.

13. Sub-section two of section fifty-eight of the said Act is hereby repealed.

Schedule B
amended.

14. So much of schedule B of the said Act as is included under the heading "CUSTOMS" is hereby repealed and the following substituted therefor :—

"CUSTOMS.

		Scale of Salaries.
Inspectors	- - - - salary from	\$1,600 to 2,500
Collectors	- - - - "	300 to 4,000
Surveyors	- - - - "	1,200 to 2,500
Chief clerks	- - - - "	1,200 to 2,000
Clerks	- - - - "	400 to 1,200
Chief Landing Waiters	- - - - "	800 to 1,200
Landing Waiters	- - - - "	400 to 1,000
Gaugers	- - - - "	600 to 1,200
Chief Lockers	- - - - "	800 to 1,200
Lockers	- - - - "	400 to 800
Tide Surveyors	- - - - "	800 to 1,000
Tide Waiters	- - - - "	400 to 600
Chief Packer	- - - - "	500 to 600

				Scale of Salaries.
Packers	-	-	-	salary from \$300 to 500
Messengers	-	-	-	" 200 to 500
Appraisers	-	-	-	" 800 to 2,000
Assistant Appraisers	-	-	-	" 600 to 1,500

2. So much of the said schedule B as relates to Marine Mail Clerks, and to the Department of Justice, is hereby repealed. Further amendment.

15. The provisions of "*The Civil Service Act*" so far as they render promotion in the Civil Service contingent in any degree upon examination as provided in the said Act, shall not apply to any civil servant who entered the Civil Service before the first day of July, one thousand eight hundred and eighty-two, except in so far as regards the duties of the office to which such civil servant may desire to be promoted. As to civil servants appointed before July 1, 1882.

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51 VICTORIA.

CHAP. 13.

An Act to amend Chapter sixteen of the Revised Statutes, respecting the High Commissioner for Canada in the United Kingdom.

[Assented to 22nd May, 1888.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

R.S.C., c. 16
amended.

1. The Act respecting the High Commissioner for Canada in the United Kingdom is hereby amended by adding the following sections thereto :—

Officers and
clerks may be
appointed.

4. The Governor in Council may appoint such officers and clerks in the office of the High Commissioner as he deems necessary, with such grade in the Civil Service of Canada as he prescribes :

No examina-
tion.

2. Such officers and clerks shall not be subject to examination under "*The Civil Service Act*."

R.S.C., cc. 17
and 18 to ap-
ply.

5. The provisions of "*The Civil Service Act*" and of "*The Civil Service Superannuation Act*" shall, subject to the foregoing provisions of this Act, apply to the officers and clerks employed in the office of the High Commissioner."

No diminu-
tion of salary.

2. Nothing in this Act contained shall operate to diminish the salary of any officer or clerk now employed in the office of the High Commissioner.

Date of taking
effect.

3. The foregoing provisions of this Act shall be deemed to have taken effect, and to have been in force from and after the first day of July, one thousand eight hundred and eighty-seven.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 14.

An Act to amend chapter thirty-two of the Revised Statutes, respecting the Customs.

[Assented to 22nd May, 1888.]

IN amendment of "*The Customs Act*" Her Majesty, by and Preamble.
with the advice and consent of the Senate and House of
Commons of Canada, enacts as follows:—

1. This Act may be cited as "*The Customs Amendment Act*, Short title.
1888."

2. Section two of "*The Customs Act*" is hereby amended R.S.C., c. 32
by inserting the following after the word "imposed" in the section 2
fifty-second line:— amended.

"(n.) The expression "value" in respect of any penalty "Value."
or forfeiture imposed by this Act and based upon the value
of any goods or articles, means the duty-paid value of such
goods or articles at the time of the commission of the offence
by which such penalty or forfeiture is incurred;

"(o.) Except in section four, the expression "Commis- "Commis-
sioner of Customs" includes the Assistant Commissioner of sioner of Cus-
Customs; toms."

"(p.) The expression "frontier port" means the first port "Frontier
at which the vehicle carrying the goods to be entered port."
arrives by land in Canada after crossing the frontier, and
the sea, lake or river port at which the vessel in which the
goods are carried arrives direct from a port or place out of
Canada;

"(q.) The expression "court" means the Exchequer Court "Court."
of Canada, or any superior court, or Court of Vice
Admiralty."

3. Section four of the said Act is hereby amended by add- Section 4
ing the following thereto as sub-section two:— amended.

"2. There shall be a Board of Customs, which shall con- Board of Cus-
sist of the Commissioner of Customs, the Assistant Commis- toms.
sioner of Customs and the Dominion Customs Appraisers and
Assistant

Assistant Dominion Customs Appraisers hereinafter mentioned, and the said board shall have such powers and perform such duties, respectively, as are assigned to it by this Act, by the Governor in Council or by the Minister of Customs."

Section 8 repealed; new section.
Additional duty in cases of undervaluation.

4. Section eight of the said Act is hereby repealed and the following substituted therefor:—

"**8.** If in any case the true value for duty of any goods, as finally determined under this Act or as determined in any action or proceeding to recover unpaid duties, exceeds by fifteen per centum, or more, the value for duty as it appears by the bill of entry thereof, there shall be levied and collected upon the same, in addition to the *ad valorem* duty payable on such goods, when properly valued, a sum equal to the same percentage of the whole *ad valorem* duty so payable as the percentage of undervaluation in the original bill of entry; and if the owner, importer or consignee refuses or neglects to pay the said duty and additional sum within six days after notice so to do has been served upon him personally or by leaving the same at his domicile or place of business, the goods shall be seized and forfeited."

Section 9 repealed; new section.
Board of Customs may, in doubtful cases, declare the duty, or that goods are free.

5. Section nine of the said Act is hereby repealed and the following substituted therefor:—

"**9.** Whenever any difference arises as to whether any or what rate of duty is payable on particular goods, and there is no previous decision in the matter by any competent tribunal, or there are decisions inconsistent with each other, the Board of Customs may declare the rate of duty payable on the kind of goods in question, or that such goods are exempt from duty, subject in each case to an appeal, by any person interested, to the Governor in Council; and any decision of the Board of Customs when approved by the Minister of Customs, or any Order in Council made upon appeal, containing such declaration and fixing such rate of duty, if any, shall have the same force and effect as if such rate of duty had been fixed and declared by statute; and every Order in Council made under this section shall be published in the *Canada Gazette*."

Effect of order.

Section 12 repealed; new section.
Allowance for tare and draft.

6. Section twelve of the said Act is hereby repealed and the following substituted therefor:—

"**12.** Whenever duties are charged according to the weight, tale, gauge or measure, such allowances shall be made for tare and draft upon the packages as are prescribed by regulations made by the Governor in Council."

Section 19 repealed; new section.

7. Section nineteen of the said Act is hereby repealed and the following substituted therefor:—

"**19.** If the duties on goods referred to in the next preceding section are not paid within eighteen months from

the time when the same were delivered to the proper officer, as hereinafter mentioned, the same may be sold in like manner and for the same purposes as goods imported may, in such default, be sold; and if they are sold for more than enough to pay the duty and charges thereon, the surplus shall be paid over to the person entitled to receive it.”

in eighteen months.

8. Section twenty-eight of the said Act is hereby amended by adding the following at the end thereof: “and unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty, and any expenses incurred in detaining, keeping and selling such vessel.”

Section 28 amended.

Sale of vessel to pay penalty.

9. Section forty-one of the said Act is hereby repealed and the following substituted therefor:—

Section 41 repealed; new section.

“**41.** No entry shall, except in cases in which it is otherwise provided herein, or by regulation of the Governor in Council, be deemed perfect unless a sufficient invoice of the goods to be entered, duly certified in writing thereon as correct by the person, firm or corporation from whom the said goods were purchased, has been produced to the collector, and duly attested as required by this Act, and in the case of consigned goods, verified by the oath of the consignee.”

Entry not perfect without invoice, unless otherwise ordered by O.C.

10. Section fifty-two of the said Act is hereby repealed and the following substituted therefor:—

Section 52 repealed; new section.

“**52.** The collector or appraiser shall not regard as evidence of the existence or amount of damage any price realized at an auction or forced sale of the goods,—nor shall he estimate nor shall any damage be allowed which has originated from decay, dampness or other cause existing before the voyage commenced and which has rendered the goods unfit to withstand the ordinary risks of the voyage of importation,—nor shall he estimate nor shall any allowance be made for or duty refunded for rust on iron or steel or any manufacture thereof, except manufactured articles composed in whole or in part of polished steel, and on polished Russia iron and Canada plates, and on such only to the extent of fifty per cent.,—nor shall any allowance be made for stains or injury to any packages holding liquids, or the labels thereon, unless the contents of such packages have, at the same time, received actual specific damage by the admixture therewith of water or other foreign substance,—nor shall any allowance be made for damage to sugar or any other saccharine product on which the duty is to be computed according to the polariscopic test; but the Minister of Customs may make a deduction from the percentage of saccharine matter shown by the polariscope to be contained in such sugar or other saccharine product, whenever the same has been damaged by salt water during the voyage of

Evidence of, and allowance for damage.

As to sugar.

importation, equal to five times the percentage of salt actually present in the excess of water found in such damaged sugar or other saccharine product, over and above that found in samples of the same which have not been so damaged, as established by a certificate from the Customs experts employed by him to make such test."

Section 54 repealed; new section.

11. Section fifty-four of the said Act is hereby repealed and the following substituted therefor:—

Return of duty on goods lost before : n

"**54.** Whenever any vessel has reported at the custom house at any port in Canada, on board of which there are any goods on which any duty has been levied or collected or on which any duty has been deposited, and thereafter the said goods are lost or destroyed before the same are landed from such vessel, or from any vessel or craft employed to lighten such vessel,—then, on proof being made on the oath of one or more credible witness or witnesses, before and to the satisfaction of the collector or proper officer of the Customs at the place, who shall administer the oath, that such goods, or any part thereof, specifying the same, have been so lost or destroyed before the landing of the same, the duties on the whole or the part thereof so proved to be lost or destroyed shall, if the same have been paid or deposited, be returned to the owner or his agent."

On what conditions.

Section 56 repealed; new section.

12. Section fifty-six of the said Act is hereby repealed and the following substituted therefor:—

Appointment of appraisers and assistant appraisers.

"**56.** The Governor in Council may appoint appraisers to be called Dominion Customs appraisers and assistant Dominion Customs appraisers with jurisdiction at all ports and places in Canada; and may also appoint Customs appraisers and assistant Customs appraisers with jurisdiction at such ports and places in Canada as are designated in the Order in Council in that behalf; and every such appraiser and assistant appraiser shall, before acting as such, take and subscribe the following oath of office before any collector or other person duly authorized to administer such oath:—

To be sworn.

Form of oath of office.

"I, A. B., having been appointed an appraiser of goods, wares and merchandise, and to act as such at the port of
 "(or as the case may be) do solemnly swear (or affirm) that I will faithfully perform the duties of the said office without partiality, fear, favor or affection, and that I will appraise the value of all goods submitted to my appraisement, according to the true intent and meaning of the laws imposing duties of Customs in Canada; and that I will use my best endeavors to prevent all fraud, subterfuge or evasion of the said laws, and more especially to detect, expose and frustrate all attempts
 80
 "to

Section 74 repealed; new section.

Importer, &c., dissatisfied may appeal in certain cases.

Revision of appraisement.

Application of decision.

Persons acting as appraisers to be sworn.

Sections 78, 79 and 80 repealed; new sections.

Goods may be entered for exportation or warehoused without payment of duty.

Penalty of double duty for infringement of Act.

16. Section seventy-four of the said Act is hereby repealed, and the following substituted therefor:—

“**74.** Except as herein otherwise provided, if the importer, owner, consignee or agent, having complied with the requirements of this Act, is dissatisfied with the appraisement made by the appraiser, hereinbefore mentioned, of any such goods, he may, within three days, give notice in writing to the collector, of such dissatisfaction; on the receipt of which notice the collector shall at once notify such importer, owner, consignee or agent, to select one disinterested and experienced person familiar with the character and value of the goods in question, and shall select a second person of similar knowledge, and notify such importer, owner, consignee or agent of such appointment:

“**2.** The persons so selected, together with a third selected by the Minister of Customs from among the members of the Board of Customs, shall examine and appraise the goods in accordance with the provisions of this Act, and the decision of such persons, or of a majority of them if they are not unanimous, shall be reported to the collector and shall be final and conclusive, and the duty shall be levied and collected accordingly:

“**3.** Such decision shall in no way apply to any case, except that submitted for the consideration of such appraisers:

“**4.** Every person who acts as an appraiser under this section, except a member of the Board of Customs selected by the Minister of Customs as aforesaid, shall take an oath before a collector of customs or a justice of the peace to act without fear, favor or partiality, and to appraise the goods with reference to which he is called on to act, in accordance with the laws imposing duties of Customs in Canada.”

17. Sections seventy-eight, seventy-nine and eighty of the said Act are hereby repealed and the following substituted therefor:—

“**78.** The importer of any goods imported into Canada may, subject to such rules and regulations as are, from time to time, prescribed by the Governor in Council in that behalf, enter the goods for exportation or for warehouse, and shall, by and upon the making of such entry, whether so expressed in such entry or not, become thereby bound to the performance of all of the requirements of this Act, and of such rules and regulations with regard to such exportation or warehousing, under a penalty equal to double the amount of the duty to which such goods are at the time subject,—which penalty shall accrue on the commission of any act contrary to this Act or to any rule or regulation, or on the omission to perform any act required in respect to such goods by this Act or by such rules or regulations, in addition to any other penalties and forfeitures provided for by this Act; and in the case of any goods so entered for

exportation or for warehouse, the above liability shall attach until such exportation is completed, or while such goods remain in warehouse. If they are unlawfully taken from such warehouse, wherever or in whosoever possession found, the same shall be seized and detained until the Customs claim for the payment of such double duty has been liquidated,—which claim shall have precedence over the claims of all other persons thereon, of whatever nature, and may be enforced by sale or other proceedings.”

Penalty for unlawful removal.

“79. The owner of any warehoused goods may remove the goods, under the authority of the collector or other proper officer, from any warehousing port to any other warehousing port in Canada, or from one warehouse to another in the same port, upon passing a removal entry thereof in the usual form, and shall, by and upon the making of such entry, whether so expressed in such entry or not, become thereby bound to the performance of all the requirements of this Act and of any rules and regulations made under the authority of this Act in respect to such removals, under a penalty equal to double the amount of the duty to which such goods are subject under the tariff in force at the time,—which penalty shall accrue on the commission of any act contrary to this Act or to any such rules or regulations, or on the omission to perform any act required to be performed in respect to such goods, in addition to any other penalties and forfeitures provided for by this Act. To any goods so entered for removal there shall, until such removal is completed or while in warehouse, or if unlawfully taken from warehouse, wherever or in whosoever possession found, attach the Customs claim for the payment of such double duty,—which claim shall have precedence of the claims of all other persons thereon, of whatever nature, and may be enforced by sale or other proceedings.”

Warehoused goods may be removed in bond.

Penalty of double duty for infringement of Act.

Enforcement of payment.

“80. Upon the entry at any frontier Customs port, under the authority and with the sanction of the Collector or other proper officer of Customs at such port and subject to such rules and regulations as are or may be made in that behalf under the authority of this Act, the importer may pass the goods on to any Customs port in any other part of Canada, or in transit through Canada by way of any Customs port of exit in Canada, and he shall, by and upon the making of such entry, whether so expressed in such entry or not, become thereby bound to the performance of all the requirements of this Act, and of any rules and regulations, under a penalty equal to double the amount of the duty to which such goods are at the time subject,—which penalty shall accrue on the commission of any act contrary to this Act or to any rules or regulations, or on the omission to perform any act required to be performed in respect to such goods,—in addition to any other penalties and forfeitures provided for by this Act, irrespective of the

Goods may be passed in bond from port of entry to another port or in transit through Canada.

Penalty of double duty for infringement of Act.

Enforcement
of payment.

liability of the carrier under any bond or otherwise. To any goods so entered for transportation there shall, until such transportation is completed, or while such goods are in Canada, or upon such goods being diverted from the designated route of transportation or transit, wherever or in whosoever possession found, attach the Customs claim for the payment of such double duty,—which claim shall have precedence of the claims of all other persons thereon, of whatever nature, and may be enforced by sale or other proceedings."

Section 82 re-
pealed; new
section.
Effect of legal
transfer.

18. Section eighty-two of the said Act is hereby repealed and the following substituted therefor:—

"**82.** Upon any transfer of goods in warehouse being lawfully effected as before provided, the new owner or transferee of any such goods shall, by the act of accepting such transfer, become thereafter subject to all the conditions, liabilities and penalties to which the person making the transfer was theretofore liable in respect to such goods, and shall be bound to the performance of all the requirements of this Act, or of any rules or regulations respecting the warehousing of goods; and to the goods there shall continue to attach the Customs claim for the payment of the double duty provided for by section seventy-eight of this Act,—which said claim shall continue to have precedence of the claims of all other persons thereon, of whatever nature, and may be so enforced as aforesaid."

Section 86 re-
pealed; new
section.
Unshipping
and landing
goods.

19. Section eighty-six of the said Act is hereby repealed and the following substituted therefor:—

"**86.** The unshipping, carrying and landing of all goods, and the taking of the same to and from a Customs warehouse or proper place after landing, shall be done in such manner, and at such places, as is appointed by the collector or other proper officer of Customs, and the collector or other proper officer of Customs shall, at all times, have free access to any warehouse wherein are stored goods subject to duty. No lock or other fastening placed upon any such warehouse or upon, on or in any premises necessary to be passed through in order to obtain access to such warehouse shall constitute a bar to the entrance of such collector or other proper officer of Customs in the performance of his duty."

Access by
officers.

Section 97 re-
pealed; new
section.
Entry of ves-
sel outwards.

20. Section ninety-seven of the said Act is hereby repealed, and the following substituted therefor:—

"**97.** The master of every vessel bound outwards from any port in Canada to any port or place out of Canada, or on any voyage to any place within or without the limits of Canada, coastwise or by inland navigation, shall deliver to the collector or other proper officer a report outwards under his hand, of the destination of such vessel, stating her name, country and tonnage, the port of registry, the name of the

Particulars of
entry.

master, the country of the owners and the number of the crew; and before any goods or ballast are taken on board such vessel the master shall show that all goods therein imported, except such as were reported for exportation in the same vessel, have been duly entered; except that the proper officer may issue a stiffening order that such goods or ballast as are specified therein may be laden before the former cargo is discharged: and before such vessel departs, the master shall bring and deliver to the collector or other proper officer, a content in writing under his hand, of the goods laden, and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content as far as any of such particulars can be known to him."

Proof that goods imported have been discharged.

Stiffening order.

Content to be delivered.

Particulars and declaration.

21. Section ninety-nine of the said Act is hereby amended by adding the following at the end thereof:—

Section 99 amended.

"And unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in detaining, keeping and selling such vessel."

Sale of vessel.

22. Sections one hundred and two, one hundred and three and one hundred and four of the said Act are hereby repealed and the following substituted therefor:—

Sections 102, 103 and 104 repealed; new sections.

"**102.** All goods or merchandise exported by sea, by land or by inland navigation, shall be reported and entered outwards at the nearest Custom house, and a certified copy of the export entry shall be attached to and accompany the way bill of goods; or, if exported from any place where no Custom house is established, they shall be reported either in like manner at such nearest Custom house or at the port of exit from Canada, according to such regulations as are established by the Governor in Council from time to time."

Export entry.

"**103.** Upon the entry outwards of any goods to be exported from a Customs warehouse, either by sea or by land, or by inland navigation, as the case may be, the person entering the same for such purpose shall by and upon the making of such entry, whether so expressed in such entry or not, become thereby bound, when the entry aforesaid is for exportation by sea, to the actual exportation thereof, and when the entry aforesaid is for exportation by land or inland navigation, to the actual landing or delivering at the place for which they are entered outwards, or in either case to the otherwise accounting for the same to the satisfaction of the collector or other proper officer of Customs, and to the production within a period to be named in such entry of such proof or certificate that such goods have been so exported, landed or delivered, or otherwise lawfully disposed of, as the case may be, as shall be re-

Exportation of goods from warehouse.

Penalty of double duty for contravening conditions, or re-landing goods, &c.

quired by any regulation of the Governor in Council, or by the collector or other proper officer of Customs,—and shall by and upon the making of such entry become thereby holden to the payment of a sum equal to double the duties of importation on such goods in case of the non-performance of the obligation to so export, land or deliver, and to produce such proof thereof as is hereinabove provided; and if any such goods are not exported, landed or delivered, or otherwise lawfully disposed of, or are fraudulently re-landed in or brought into Canada in violation of the Customs law and regulations, they shall be seized and forfeited, together with any vessel or vehicle from or in which they have been so landed or brought into Canada, or in which they may be found; and the person entering the same for exportation shall, whether such goods were seized or not, thereupon be held to the payment of such double duty in addition to any other penalties or forfeitures to which he may be liable under this Act,—which payment may be thereupon enforced.”

Upon what evidence liability for double duty on exports ceases.

“104. If, within the period appointed in the entry for exportation, as provided for in the next preceding section of this Act, there is produced to the collector or other proper officer of Customs the written certificate of some principal officer of Customs or of Colonial Revenue at the place to which the goods were exported, or if such place is in a foreign country, of any proper officer of Customs therein or of any British or foreign Consul or Vice-Consul resident there, showing that the goods named in the said entry were actually landed and left at some place, naming it, out of Canada, as provided for in the said entry, or if it is proved to the satisfaction of the collector or other proper officer of Customs that the said goods were, after leaving Canada, lost and destroyed, the obligation of the person making such export entry to the payment of the double duty on such goods shall terminate and he shall thereby be released from such obligation.”

Sections 115, 116 and 117 repealed; new sections. Vessel forfeited, &c., in certain cases, if worth less than \$800.

23. Sections one hundred and fifteen, one hundred and sixteen and one hundred and seventeen of the said Act are hereby repealed and the following substituted therefor:—

“115. If any vessel enters any place other than a port of entry, unless from stress of weather or other unavoidable cause, any dutiable goods on board thereof, except those of an innocent owner, shall be seized and forfeited, and the vessel, if of less value than eight hundred dollars, may be seized; and the master or person in charge thereof shall incur a penalty not exceeding four hundred dollars, and the vessel may be detained until such penalty is paid; and unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in making the seizure and in the safe keeping and sale of such vessel.”

Sale of vessel.

"116. If any vessel worth more than eight hundred dollars enters any place other than a port of entry, unless from stress of weather or other unavoidable cause, any dutiable goods on board thereof, except those of an innocent owner, shall be seized and forfeited, and the vessel may be seized; and the master or person in charge thereof shall incur a penalty of eight hundred dollars; and the vessel may be detained until such penalty is paid, and, unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty, and any expenses incurred in making the seizure and in the safe keeping and sale of such vessel."

If vessel is worth more than \$800.

Sale of vessel

"117. If any goods are unlawfully imported on the person or as luggage or among the luggage of any one arriving in Canada on foot or otherwise, such goods shall be seized and forfeited."

Goods unlawfully imported by land.

24. Sections one hundred and twenty-four and one hundred and twenty-five of the said Act are hereby repealed and the following substituted therefor:--

Sections 124 and 125 repealed; new sections.

"124. All the packages mentioned in any one entry, although some of such packages have been delivered to the importer, or some one on his behalf, shall be subject to the control of the Customs authorities of the port at which they are entered, until such of the packages as have been sent to the examining warehouse for examination have been duly opened and the contents examined and approved; and the packages so delivered shall not be opened or unpacked before the goods contained in the package or packages sent to the examining warehouse have been examined and passed as aforesaid, under a penalty equal to the value of the contents of the packages so delivered or the seizure and forfeiture of the goods: Provided always, that this prohibition shall not extend beyond a period of three days after the goods designated for examination have been actually delivered at the examining warehouse.

As to packages delivered to importer before examination.

Penalty.

Proviso: as to time.

"125. Any package delivered without examination, or the goods, if lawfully unpacked, shall, if required by the collector of Customs of the port at which they are entered, be returned to the Customs or examining warehouse within ten days of delivery under a penalty equal to the value thereof; and the collector shall use due diligence in causing a proper examination thereof to be made, and may, if he sees no objection, permit the remaining packages to be opened and unpacked as soon as the contents of those sent to the Customs or examining warehouse have been examined and approved."

Return of packages and provision for avoiding delay.

25. Section one hundred and thirty-three of the said Act is hereby repealed and the following substituted therefor:—

Section 133 repealed; new section.

"133. Every officer and person who is employed under the authority of any Act relating to the collection of the revenue,

Certain officers to be deemed em-

ployed for
prevention of
smuggling,
&c.

enue, or under the direction of any officer of Customs shall be deemed and taken to be duly employed for the prevention of smuggling and for the enforcement of this Act in every respect, whether such officer or person is or is not the holder of a writ of assistance; and in any suit or information, the averment that such person was so duly employed shall be *prima facie* proof thereof."

Section 137
repealed;
new section.

26. Section one hundred and thirty-seven of the said Act is hereby repealed and the following substituted therefor:—

Power to
enter build-
ings, &c., in
the day time.

"**137.** Any officer of Customs having first made oath before a justice of the peace that he has reasonable cause to suspect that goods liable to forfeiture are in any particular building, or in any yard or other place, open or inclosed, may, with such assistance as is necessary, enter therein at any time between sunrise and sunset; but if the doors are fastened admission shall be first demanded, and the purpose for which entry is required declared, when, if admission is not given, he may forcibly enter; and after in either case entry is made, the officer may search the premises and seize all goods which he has reasonable grounds to believe are subject to forfeiture; and such acts may be done by an officer of Customs without oath or the assistance of a justice of the peace, in places where no justice of the peace resides, or where no justice of the peace can be found within five miles at the time of search."

Without ap-
plication to a
justice of the
peace in cer-
tain cases.

Section 139
amended.

27. Sub-section two of section one hundred and thirty-nine of the said Act is hereby repealed and the following substituted therefor:—

Penalty if
concealed
goods are
found on
board vessel.

"2. If any goods are found concealed on board they shall be seized and forfeited, and if any mark, lock or seal upon any goods on board is wilfully altered, opened or broken before the delivery of the goods, or if any goods are secretly conveyed away, or if hatchways fastened down by the officer are opened by the master, or with his assent, the master shall incur a penalty of four hundred dollars, and the vessel may be detained until the said penalty is paid, or satisfactory security is given for the payment thereof; and unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in detaining, keeping and selling the same."

Section 141
amended.

28. Sub-section two of section one hundred and forty-one of the said Act is hereby repealed and the following substituted therefor:—

As to district
of Keewatin.

"2. For the purposes of this section, any judge of the Court of Queen's Bench, in the Province of Manitoba, shall have jurisdiction over the district of Keewatin, and shall grant a writ of assistance for use therein, in like manner

and with like effect as he might grant such writ for use in the Province of Manitoba."

29. Section one hundred and forty-three of the said Act is hereby repealed and the following substituted therefor:—
"143. Under the authority of a writ of assistance any officer of the Customs, or any person employed for that purpose with the concurrence of the Governor in Council, expressed either by special order or appointment or by general regulation, may enter, at any time in the day or night, into any building or other place within the jurisdiction of the court from which such writ issues, and may search for and seize and secure any goods which he has reasonable grounds to believe are liable to forfeiture under this Act, and in case of necessity may break open any doors and any chests or other packages for that purpose."

Section 143 repealed ; new section. Searching for smuggled goods.

30. Section one hundred and forty-five of the said Act is hereby repealed and the following substituted therefor:—
"145. No action, suit or proceeding shall be commenced, and no writ shall be sued out against, nor a copy of any process served upon any officer of the Customs or person employed for the prevention of smuggling for anything done in the exercise of his office, or against any person in possession of goods under authority of any officer of the Customs, so long as any proceeding for the enforcement of this Act in relation to the matter forming the ground of such action, suit, proceeding, writ or process, is pending, nor until one month after notice in writing has been delivered to him, or left at his usual place of abode, by the attorney or agent of the person who intends to sue out such writ or process :

Section 145 repealed ; new section. Action for things done under this Act, &c.

"2. In such notice shall be clearly and explicitly contained the cause of the action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent ; and no evidence of any cause of such action shall be produced except of such as is contained in such notice, and no verdict or judgment shall be given for the plaintiff, unless he proves on the trial that such notice was given ; and in default of such proof, the defendant shall receive a verdict or judgment and costs."

Notice thereof.

What the notice shall contain.

Evidence on trial.

31. Section one hundred and forty-eight of the said Act is hereby amended by adding the following sub-sections thereto:—

Section 148 amended.

"2. No action, suit or proceeding shall be commenced against the Crown or against any officer of Customs or person employed for the prevention of smuggling, or against any person in possession of goods under authority of an officer of Customs, for the recovery of the thing seized, until a decision has been first given either by the Minister of Customs or by a court of competent jurisdiction in relation to the condemnation of the thing seized :

When action for recovery of thing seized may be commenced.

Limitation.

"3. Every such action, suit or proceeding shall be brought within three months after such decision has been given."

Section 149
repealed;
new section.
Report in-
wards or out-
wards may be
made by pur-
ser of steamer.

32. Section one hundred and forty-nine of the said Act is hereby repealed and the following substituted therefor:—

"**149.** The report, inwards or outwards, required by this Act, may, in the case of any steam vessel carrying a purser, be made by such purser with the like effect in all respects, and subject to the like penalty on the purser and on the vessel, and the like forfeiture of the goods in case of any untrue report, as if the report was made by the master; — and the word "master," for the purposes of this section, shall be construed as including the purser of any steam vessel; but nothing herein contained shall preclude the collector or other proper officer of Customs from calling upon the master of any steam vessel to answer all such questions concerning the vessel, passengers, cargo and crew, as might be lawfully demanded of him if the report had been made by him, or to exempt the master or the vessel from the penalties imposed by this Act for failure to answer any such question, or for answering untruly, or to prevent the master from making such report if he sees fit so to do."

But master
may be called
to answer
questions.

Section 153
repealed;
new section.
Who may ad-
minister
oaths.

33. Section one hundred and fifty-three of the said Act is hereby repealed and the following substituted therefor:—

"**153.** The Commissioner of Customs or other person acting as deputy head of the department, and all officers holding, under Order in Council, the rank of chief clerk of the inside service in the said department, and all duly appointed Inspectors of Customs ports, shall, by virtue of their office, have full authority to administer all oaths and receive all affirmations and declarations required or authorized by this Act, and also to administer all oaths of allegiance and of office required by "*The Civil Service Act*" to be taken by Customs officers; and the Governor in Council may, from time to time, by regulation, appoint or designate such other and additional persons, officers or functionaries, as he sees fit, by name, or by their name of office, in Canada or out of it, as those before whom such oaths may be validly taken, and may, by any Order in Council, relax or dispense with the provisions of this Act touching oaths, affirmations and declarations required or authorized by this Act, with regard to goods imported by land or inland navigation, or to any other class of cases designated in such regulation."

Power of Gov-
ernor in
Council in re-
lation to
oaths.

Sections 180
to 187 repeal-
ed; new sec-
tions.

Action of
minister.

34. Sections one hundred and eighty to one hundred and eighty-seven, both inclusive, of the said Act are hereby repealed and the following substituted therefor:—

"**180.** The Minister may thereupon either give his decision in the matter respecting the seizure, detention, penalty or forfeiture, and the terms, if any, upon which the thing

seized or detained may be released or the penalty or forfeiture remitted, or may refer the same to the court for decision."

"**181.** If the owner or claimant of the thing seized or detained or the person alleged to have incurred the penalty does not, within thirty days after being notified of the Minister's decision, give him notice in writing that such decision will not be accepted, the decision shall be final." Minister's decision final in default of notice.

"**182.** If the owner or claimant of the thing seized or detained, or the person alleged to have incurred the penalty, within thirty days after being notified of the Minister's decision, gives him notice in writing that such decision will not be accepted, the Minister may refer the matter to the court." Reference to the court.

"**183.** On any reference of any matter by the Minister to the court—the court shall hear and consider such matter upon the papers and evidence referred and upon any further evidence which the owner or claimant of the thing seized or detained, or the person alleged to have incurred the penalty, or the Crown, produces, under the direction of the court, and shall decide according to the right of the matter; and judgment may be entered upon any such decision, and the same shall be enforceable and enforced in like manner as other judgments of the court." Proceedings in court.

"**184.** The service of notice to produce evidence referred to in section one hundred and seventy-eight, and of the Minister's decision referred to in sections one hundred and eighty-one and one hundred and eighty-two, shall be sufficient if it is effected by sending such notice by mail in a registered letter addressed to the owner or claimant at his address, as stated in the report of the seizure; and the thirty days mentioned in the two sections last cited shall be computed from the date of the mailing of such notification." Service of notice.

"**185.** Whenever information has been given under oath to any officer of customs that goods or things have been unlawfully imported or entered, or whenever any goods have been seized or detained under any of the provisions of this Act, or of any law relating to the Customs, the importer or exporter thereof, or the owner or claimant thereof, shall immediately upon being required so to do by a collector or other proper officer of Customs, produce and hand over all invoices, bills, accounts and statements of the goods so imported, entered, seized or detained, and of all other goods imported into Canada by him at any time within six years preceding such request, seizure or detention; and shall also produce for the inspection of such collector or other officer, and allow him to make copies of, or extracts from, all books of account, ledgers, day-books, cash-books, letter-books, invoice-books, or other books wherein any entry or memorandum appears respecting the purchase, importation, cost, value or payment of the goods so seized or detained, and of all other goods as aforesaid." Production of books and papers in case of seizure of goods, &c.

Copies or extracts may be made.

Penalty for withholding such books or papers.

"186. If any person required under the next preceding section to produce and hand over invoices, bills, accounts and statements, or to produce for inspection books of account, ledgers, day-books, cash-books, letter-books, invoice-books and other books, or to allow copies or extracts to be made therefrom, neglects or refuses so to do, he shall incur a penalty not exceeding five thousand dollars :

In such case allegations to be deemed proved in case of non-production.

"2. Whenever any suit is instituted under the provisions of this Act or an order of the court is obtained, all invoices, accounts, books and papers relating to any imported goods, to which such suit or order relates, shall be produced in court or to any person whom the court directs, and if the same are not so produced within such time as the court prescribes, the allegations on the part of the Crown shall be deemed to be proved, and judgment shall be given as in a case by default ; but this provision shall not relieve the person disobeying any such order from any other penalty or punishment which he may have incurred by disobedience of any such order."

Release of things seized on deposit of a sum equal to value and costs.

"187. Any collector or other proper officer of customs may, as may also the court with the consent of the collector or other proper officer of customs at the place where the things seized are, order the delivery thereof to the owner, on the deposit with the collector or other proper officer of customs, in money, of a sum equal at least to the full duty-paid value (to be determined by the collector or other proper officer of customs) of the things seized and the estimated costs of the proceedings in the case ; and any collector or other proper officer of customs may receive from any person charged with any contravention of this Act, although no seizure of goods has taken place, a sum in money equal to the full amount of the penalty or forfeiture to which he may be liable for such contravention (to be determined by the collector or other proper officer of customs) together with the estimated costs of the proceedings in the case :

Amount of penalty may be deposited.

"2. Any sum or sums of money so deposited shall be immediately deposited in some bank appointed for that purpose by competent authority, to the credit of the Minister of Finance and Receiver General, there to remain until forfeited in due course of law or released by order of the Minister of Customs ; and if such seized articles are condemned, or such penalty or forfeiture accrues to the Crown, either by suit in a court or by a decision of the Minister of Customs under this Act, the money deposited shall be forfeited."

Disposal of such sum.

Its forfeiture.

Section 192 repealed ; new section.

35. Section one hundred and ninety-two of the said Act is hereby repealed and the following substituted therefor : —

Penalty and forfeiture for smuggling, using false invoices, &c.

"192. If any person smuggles or clandestinely introduces into Canada any goods subject to duty, or makes out or passes or attempts to pass through the Custom house any false,

false, forged or fraudulent invoice, or in any way attempts to defraud the revenue by evading the payment of the duty, or of any part of the duty on any goods, such goods, if found, may be seized and forfeited; or if not found, but the value thereof has been ascertained, the person so offending shall forfeit the value thereof as so ascertained; and every such person, his aiders and abettors shall, in addition Additional penalty. to any other penalty to which he and they are subject for such offence, forfeit a sum equal to the value of such goods,—which sum may be recovered in any court of competent jurisdiction,—and shall further be liable on summary conviction before two justices of the peace, or any other magistrate having the powers of two justices of the peace, to a penalty not exceeding two hundred dollars, and not less than fifty dollars, or to imprisonment for a term not exceeding one year, and not less than one month, or to both fine and imprisonment.”

36. Section one hundred and ninety-three of the said Act is hereby repealed and the following substituted therefor :— Section 193 repealed ; new section.

“ **193.** If any goods are unladen from any vessel or vehicle or put out of the custody of the master or person in charge of the same, before report is made as required by this Act, or if such master or person fails to make such report, or to produce such goods, or makes an untrue report or does not truly answer the questions demanded of him, he shall for each such offence incur a penalty of four hundred dollars; and if any such goods are not so reported and produced, or if the marks and numbers or other description of any package do not agree with the report made, such goods or package shall be seized and forfeited, and the vessel or vehicle and the animals drawing the same shall be detained until such amount is paid; and unless payment is made within thirty days, such vessel or vehicle and any animals drawing the same may, after the expiration of such delay, be sold to pay such penalty.” Penalty for not reporting goods.

37. Section one hundred and ninety-five of the said Act is hereby repealed and the following substituted therefor :— Section 195 repealed ; new section.

“ **195.** All goods shipped or unshipped, imported or exported, carried or conveyed, contrary to any regulation made by the Governor in Council, and all goods or vehicles and all vessels under the value of four hundred dollars, with regard to which the requirements of any such regulation have not been complied with, shall be forfeited and may be seized; and if such vessel is of or over the value of four hundred dollars, the master thereof shall, by such non-compliance, incur a penalty of four hundred dollars, and the vessel may be detained until the said penalty is paid; and unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty Penalties and forfeitures for contravention of regulations.

Recovery.

and any expenses incurred in making the seizure and keeping and selling such vessel ; and any such forfeitures and penalties shall be recoverable and may be enforced in the same manner, and before the same court and tribunal, as if incurred by the violation of any provision of this Act."

Section 197 repealed ; new section.

38. Section one hundred and ninety-seven of the said Act is hereby repealed and the following substituted therefor :—

Forfeiture of smuggled goods.

"**197.** If any person knowingly harbors, keeps, conceals, purchases, sells or exchanges any goods unlawfully imported into Canada, (whether such goods are dutiable or not,) or whereon the duties lawfully payable have not been paid,—such goods, if found, shall be forfeited and may be seized. If such goods are not found, the person so offending shall forfeit the value thereof ; and every such person, his aiders and abettors shall, in addition to any other penalty, forfeit a sum equal to the value of such goods, which may be recovered in any court of competent jurisdiction, and shall further be liable, on summary conviction before two justices of the peace or any magistrate having the powers of two justices of the peace, to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment."

Penalty if goods are not found.

Sections 201 and 202 repealed ; new sections.

39. Sections two hundred and one and two hundred and two of the said Act are hereby repealed and the following substituted therefor :—

Person making or authorizing false invoice not to recover any part or price of goods.

"**201.** If any person makes, or sends, or brings into Canada, or causes or authorizes the making, sending or bringing into Canada, any invoice or paper, used or intended to be used as an invoice for Customs purposes, in which any goods are entered or charged at a less price or value than that actually charged, or intended to be charged for them, or in which the goods are falsely described, no sum of money shall be recoverable by such person, his assigns or representatives, for the price of such goods or any part thereof, or on any bill of exchange, note or other security, unless in the hands of an innocent holder for value without notice, made, given or executed for the price of such goods or any part of such price."

What shall be evidence of fraud.

"**202.** The production or proof of the existence of any other invoice, account, document or paper made or sent by any person, or by his authority, wherein goods or any of them are charged or entered at or mentioned as bearing a greater price than that set upon them in any such invoice as in the next preceding section mentioned or in which the goods are falsely described, shall be *prima facie* evidence that such invoice was intended to be fraudulently used for Customs purposes ; but such intention, or the actual fraudulent

dule use of such invoice, may be proved by any other legal evidence."

40. Section two hundred and four of the said Act is hereby repealed and the following substituted therefor:—

Section 204 repealed; new section.

"**204.** If any entry passed at any Custom house is false in any particular to the knowledge of any person connected with the making thereof, all the packages and goods included or pretended to be included, or which ought to have been included in such entry, shall be forfeited."

Forfeiture of goods falsely entered.

41. Section two hundred and twenty-two of the said Act is hereby repealed, and the following substituted therefor:—

Section 222 repealed; new section.

"**222.** All penalties and forfeitures incurred under this Act or any other law relating to the Customs or to trade or navigation, may, in addition to any other remedy provided by this Act or by law, be prosecuted, sued for and recovered with full costs of suit, in the Exchequer Court of Canada or in any superior court or Court of Vice-Admiralty, having jurisdiction in that Province in Canada where the cause of prosecution arises, or wherein the defendant is served with process; and if the amount of any such penalty or forfeiture does not exceed two hundred dollars, the same may also be prosecuted, sued for and recovered in any court having jurisdiction to that amount in the place where the cause of prosecution arises, or where the defendant is served with process."

In what courts penalties and forfeitures are recoverable.

42. Section two hundred and twenty-eight of the said Act is hereby repealed and the following substituted therefor:—

Section 228 repealed; new section.

"**228.** In any declaration, information, statement of claim or proceeding in any such prosecution or suit, it shall be sufficient to state the penalty or forfeiture incurred, and the Act and section of the Act, or the rule or regulation under which it is alleged to have been incurred, without further particulars; and the averment that the person seizing or suing was and is an officer of the Customs, shall be sufficient *prima facie* evidence of the fact alleged; and no person shall be disqualified as a witness by reason of interest."

What shall be sufficient averment.

43. Section two hundred and thirty-three of the said Act is hereby repealed and the following substituted therefor:—

Section 233 repealed; new section.

"**233.** If any prosecution or suit is brought for any penalty or forfeiture under this Act or any other law relating to the Customs or to trade or navigation, and any question arises as to the identity or origin of the goods seized, or as to the payment of the duties on any goods, or as to the lawful importation thereof, or as to the lawful lading or exportation

Burden of proof on owner or claimant of goods.

exportation of the same, or as to the doing or omission of any other thing by which such penalty or forfeiture would be incurred or avoided,—the burden of proof shall lie on the owner or claimant of the goods, and not on the Crown, or on the person bringing such prosecution or suit."

Section 336
repealed;
new section.
What shall be
deemed a
commence-
ment of suit.

44. Section two hundred and thirty-six of the said Act is hereby repealed and the following substituted therefor:—

"**236.** Whenever, under any provision of this Act, any penalty may be recovered or any forfeiture may be enforced by action, suit or proceeding, the seizure by an officer of Customs or person acting in his aid of the goods in respect of which the penalty has been incurred or the forfeiture has accrued, shall be deemed to be a commencement of such action, suit or proceeding."

Section 240
repealed;
new section.
Limitation of
time for
bringing
suits.

45. Section two hundred and forty of the said Act is hereby repealed and the following substituted therefor:—

"**240.** All seizures, prosecutions or suits for the recovery or enforcement of any of the penalties or forfeitures imposed by this Act, or any other law relating to the Customs, may be made or commenced at any time within three years after the offence was committed, or the cause of prosecution or suit arose, but not afterwards."

Section 245
amended.

46. Section two hundred and forty-five of the said Act is hereby amended by striking out the paragraph thereof lettered (b), and substituting the following therefor:—

As to tare.

(b) "For regulating and declaring what allowances shall be made for tare on the gross weight of goods."

Section 246
repealed;
new section.
Regulations
as to passing
of goods
through Can-
adian canals,
&c.

47. Section two hundred and forty-six of the said Act is hereby repealed and the following substituted therefor:—

"**246.** The Governor in Council may, from time to time, and as occasion requires, make such regulations as to him seem meet, with respect to goods conveyed directly through the Canadian canals or otherwise by land or inland navigation, or in or on railway cars, from one part of the frontier line between Canada and the United States to another, without any intention of unlading such goods in Canada; and he may cause such bonds or security to be given, or such precautions to be taken at the expense of the importer, whether by placing officers of the Customs on board any such vessel, railway car or carriage, or otherwise, as to him seem meet; and on the refusal of the importer to comply with the regulations so made, the duty on the goods so imported shall forthwith become payable:

Security.

Regulations
as to travel-
lers.

"2. The Minister of Customs may, from time to time, and as occasion requires, make such regulations as to him seem meet, with respect to travellers passing through a portion of Canada, or coming into it with their carriages, horses or other cattle drawing the

same,

same, and personal baggage, with the intention of forthwith returning to the United States, or having gone to the United States from Canada, returning to it with such articles, and may direct under what circumstances duty shall or shall not be paid, and on what conditions it shall be remitted or returned. Every animal or vehicle and goods of any kind, brought into Canada by any traveller, and which have been exempted from duty under such regulations or otherwise, may, if sold or offered for sale in Canada, without payment of the duties thereon, be seized and forfeited, together with the harness or tackle employed therewith or in the conveyance thereof."

Forfeiture for sale of animals, &c., without payment of duty.

48. The said Act is hereby further amended by adding the following thereto as section two hundred and fifty-five:—

New section added.

"**255.** The surplus, if any, of the proceeds of the sale of any vessel sold for any penalty over and above the amount of the penalty, and expenses incurred, shall be paid to the owner of the vessel so sold, or to his lawful agent or other persons entitled thereto."

Disposal of proceeds of sale of vessel.

49. Sections seventy, ninety-two, one hundred and twenty-six, one hundred and twenty-eight, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, two hundred and ten, two hundred and eighteen, and two hundred and thirty-seven of the said Act are hereby repealed.

Certain other sections repealed.

OTTAWA: Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 15.

An Act to amend chapter thirty-three of the Revised Statutes of Canada, respecting the duties of Customs.

[Assented to 22nd May, 1888.]

Preamble.
R.S.C., c. 33.

IN further amendment of the Act respecting the duties of Customs, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Certain export duties may be reduced or removed.

1. The Governor General may, by proclamation, whenever it appears to his satisfaction to be desirable in the public interest so to do, either reduce or remove entirely or in part, the export duties provided for by section six of the said Act and schedule E thereto, or by any Act in amendment thereof.

Section 9 repealed ;
new section.

Certain articles to be free in Canada, when free in United States.

2. Section nine of the said Act is hereby repealed and the following substituted therefor :—

“**9.** Any or all of the following things, that is to say : animals of all kinds, hay, straw, vegetables (including potatoes and other roots) salt, peas, beans, barley, malt, rye, oats, buckwheat, flour of rye, oatmeal, buckwheat flour, butter, cheese, fish of all kinds, fish oil, products of fish and of all other creatures living in the water, fresh meats, poultry, stone or marble in its crude or unwrought state, lime, gypsum or plaster of Paris (ground, unground or calcined), hewn or wrought or unwrought burr and grindstones, and timber and lumber of all kinds unmanufactured in whole or in part, including shingles, clapboards and wood pulp, may be imported into Canada free of duty, or at a less rate of duty than is provided for by any Act at the time in force, upon proclamation of the Governor General, which may be issued whenever it appears to his satisfaction that similar articles from Canada may be imported into the United States free of duty, or at a rate of duty not exceeding that payable on the same under such proclamation when imported into Canada.”

3. Section ten of the said Act is hereby repealed.

Section 10 re-
pealed.

4. Items 592 and 781 in Schedule C to the said Act are hereby repealed, and the following substituted therefor :—

Schedule C
amended.

“ 592. Coffee, green, except as hereinbefore provided.”

“ 781. Tea, except as hereinbefore provided.”

OTTAWA: Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most
Excellent Majesty.



51 VICTORIA.

CHAP. 16.

An Act to amend Chapter thirty-four of the Revised Statutes, respecting the Inland Revenue.

[Assented to 22nd May, 1888.]

Preamble.
R.S.C., c. 34.

IN amendment of "*The Inland Revenue Act*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 130
amended.

1. The paragraph of section one hundred and thirty of the said Act, lettered (*b.*), is hereby repealed and the following substituted therefor:—

Duty on
spirits speci-
fied.

"(*b.*) When manufactured exclusively from malted barley, taken to the distillery in bond and on which no duty of customs or excise has been paid, or when manufactured from raw or unmalted grain, used in combination, in such proportions as the Department of Inland Revenue prescribes, with malted barley taken to the distillery in bond and on which no duty of customs or of excise has been paid—on every gallon of the strength of proof by Sikes' hydrometer, and so in proportion for any greater or less strength, and for any less quantity than a gallon, one dollar and thirty-two cents."

Section 131
amended.

2. Section one hundred and thirty-one of the said Act is hereby amended by striking out the words "dat of their manufacture" in the twenty-second and twenty-third lines, and substituting the words "date when warehoused" in lieu thereof.

Section 146
amended.

3. The paragraphs of section one hundred and forty-six of the said Act, lettered (*i.*) and (*j.*), are hereby repealed and the following substituted therefor:—

"(*i.*) The quantity of spirits entered for warehouse and ex-warehouse."

Section 147
amended.

4. Section one hundred and forty-seven of the said Act is hereby amended by adding, at the end thereof, the words "and their products."

Section 148
amended.

5. Sub-section four of section one hundred and forty-eight of the said Act is hereby repealed and the following sub-sections substituted therefor:—

"4. No spirits subject to excise which have not been warehoused for at least twelve months shall be entered for consumption; and after the first day of July, one thousand eight hundred and ninety, no such spirits which have not been warehoused for at least two years shall be entered for consumption: Provided, always, that spirits may, under regulations made by the Department of Inland Revenue, be removed in bond at any date after being warehoused, from any duly licensed distillery to the premises of any duly licensed bonded manufacturer for manufacturing purposes only, but not for sale:

When spirits may be entered for consumption.

Removal in bond.

"5. Provided always, that the holder of a license for a distillery who was not the holder of a license on the twentieth day of July, one thousand eight hundred and eighty-five, but who was such holder on the twentieth day of March, one thousand eight hundred and eighty-eight, may be allowed by the Department, under such regulations and restrictions as the Governor in Council prescribes, to enter and remove for consumption, for any purpose, one-third part of the yearly product of such distillery at any time after being warehoused, during the two years next following the issuing of the original license relating to such distillery; and during the three years next following the expiry of the said two years, to enter and remove for consumption for any purpose, one-third part of the yearly product of such distillery, —which third part has been warehoused for at least twelve months:

Exception in certain cases.

"6. The expression "yearly product of such distillery" means for the purpose of the next preceding sub-section, a quantity not in excess of the estimated annual production upon which the amount of the license bond given by the distiller, for the current fiscal year, was determined by the department."

Interpretation.

6. The paragraphs of section two hundred and five of the said Act lettered (a) and (b) are hereby repealed and the following substituted therefor:—

Section 205 amended.

"(a.) One hundred malt measures by gauge of dry barley or other grain shall be held to be equivalent to one hundred and seven malt measures by gauge of dry malt:

Basis of comparative calculation.

"(b.) One hundred malt measures by gauge of barley or other grain properly saturated with water for the purpose of malting, or in the couch, shall be deemed to be equivalent to eighty-one and one-half malt measures by gauge of dry barley or other grain, or to eighty-seven and one-fifth malt measures by gauge of dry malt."

7. Section two hundred and thirty-three of the said Act is hereby repealed and the following substituted therefor:—

Section 233 repealed;

"233. When wood naphtha, wood alcohol, or any similar or equivalent substitute for methylated spirit is to be used for manufacturing purposes in Canada, it shall be supplied

new section. Certain articles to be supplied by the department.

to the manufacturer by the Department of Inland Revenue, or by such agency and on such conditions as are determined by departmental regulations in that behalf, and the price thereof shall not exceed the actual cost with the addition of fifteen per cent."

Section 234
amended.

8. From and after the first day of July, one thousand eight hundred and eighty-eight all the words in section two hundred and thirty-four from the word "therefrom" in line twenty to the end of the section shall be repealed and the following substituted therefor:—"Provided always, that the undermentioned article, when manufactured in bond, shall, when entered for consumption in Canada, be subject to the following duty of excise, and to no other, that is to say—

Duty of excise
on vinegar.

••••• Vinegar containing six per cent. of acetic acid, the strength to be determined by such tests as are established by Order in Council,—and so in proportion for any greater or less strength—on every gallon or less quantity than a gallon, four cents."

Section 258
amended.

9. The first twenty-four lines of section two hundred and fifty-eight of the said Act are hereby repealed and the following substituted therefor:—

Duties of ex-
cise;

"258. There shall be imposed, levied and collected on tobacco and cigars manufactured in Canada, the following duties of excise, which shall be paid to the collector of Inland Revenue as by this Act provided, that is to say:—

On tobacco;

"On all chewing and smoking tobacco, fine-cut, cavendish, plug or twist, cut or granulated, of every description; on tobacco twisted by hand or reduced into a condition to be consumed or, in any manner other than the ordinary mode of drying and curing, prepared for sale or consumption, even if prepared without the use of any machine or instrument and without being pressed or sweetened, and on all fine-cut shorts and refuse scraps, cuttings and sweepings of tobacco; and—

On snuff;

"On all snuff, manufactured of tobacco, or any substitute for tobacco, ground, dry, scented or otherwise, of all descriptions, when prepared for use and containing not more than forty per cent. of moisture—

"Made in whole or in part from foreign or imported raw leaf tobacco, or the product in any form, in whole or in part, of foreign raw leaf tobacco;

Duty.

"On every pound, actual weight, twenty cents—except that cut tobacco, when put up in packages containing one-twentieth of a pound or less, each, shall pay a duty of thirty-five cents per pound; and—

On cigarettes.

"On cigarettes, whether the product of foreign or of domestic leaf tobacco, weighing not more than three pounds per thousand, on every pound, actual weight, sixty cents; and—

"On cigarettes, whether the product of foreign or of domestic leaf tobacco, weighing more than three pounds per thousand, on every pound, actual weight, one dollar; and—"

2. The last six lines of the said section two hundred and fifty-eight are hereby repealed and the following substituted therefor:—

Further amendment.

"On all cigars, whether the product of foreign or of domestic raw leaf tobacco, when put up in packages containing less than ten cigars each, seven dollars per thousand;

Duty on cigars;

"On manufactured tobacco of all kinds, except cigarettes, (including common Canada twist) when made solely from tobacco grown in Canada, and on the farm or premises where grown, by the cultivator thereof, or in a manufactory where no imported or foreign leaf is used or kept, on every pound, actual weight, five cents."

On manufactured Canadian tobacco.

10. The paragraph of sub-section one of section two hundred and sixty of the said Act, lettered (a.), is hereby repealed and the following substituted therefor:—

Section 260 amended.

"(a.) All cavendish, plug and twist tobacco, in rectangular wooden boxes, except as hereinafter provided, containing from five to twenty-five pounds inclusive, from thirty-five to forty-five pounds inclusive, from sixty to eighty pounds inclusive, or from one hundred to one hundred and ten pounds inclusive;"

Packages of tobacco.

2. The paragraph of the said sub-section one of section two hundred and sixty of the said Act, lettered (h.), is hereby repealed and the following substituted therefor:—

Further amendment.

"(h.) All cigars shall be packed in wooden boxes (except as hereinafter provided) not before used for that purpose, containing respectively three, six, ten, twenty-five, fifty, one hundred or two hundred cigars each; except that Manilla cigars and cheroots, but not imitations thereof, may, when imported from abroad, be contained, in addition to the above-named quantities, in boxes of five hundred each."

Packages of cigars.

11. Sub-section one of section two hundred and sixty-six of the said Act is hereby repealed and the following substituted therefor:—

Section 266 amended.

"266. All cavendish, plug and twist tobacco shall be considered as completely manufactured as soon as it has been put up in packages, except that when a manufacturer sweats his tobacco after it has been put into caddies, boxes or other packages, the manufacture shall be considered completed only when the tobacco is moved from the sweat room."

When manufacture deemed complete.

12. Section two hundred and ninety-six of the said Act is hereby repealed and the following substituted therefor:—

Section 296 repealed; new section.

"296. No tobacco of any description put up in packages containing one pound or under, nor tobacco in any sized packages.

Limitation of size of packages.

age as to re-
moval in
bond.

packages whatever containing less than ten pounds, if the product of raw leaf tobacco of Canadian growth, and no cigars when put up in packages containing less than twenty-five cigars each, shall be removed in bond from one warehouse to another warehouse, whether within the same or any other Inland Revenue division."

Section 303
amended.

13. Sub-section two of section three hundred and three of the said Act is hereby repealed and the following substituted therefor:—

Tobacco
grown for
private use.

"2. Provided always, that any person who grows tobacco on his own land or property, and manufactures the same into common Canada twist solely for the use of himself and such members of his family as are resident with him on the farm or premises on which the tobacco was grown, and not for sale, shall not require a license for so doing; nor shall the tobacco so manufactured be subject to excise duty; but the quantity so manufactured in any one year shall not exceed thirty pounds for each adult male member of the family resident on the farm or premises as aforesaid."

OTTAWA: Printed by BROWN CHAMBERLIN, LAW Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 17.

An Act to amend Chapter twenty-seven of the Revised Statutes, respecting the Department of Public Printing and Stationery.

[Assented to 22nd May, 1888.]

WHEREAS it is expedient to amend the Revised Statutes of Canada, chapter twenty-seven, intituled "*An Act respecting the Department of Public Printing and Stationery*:" Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Preamble.
R.S.C., c. 27

1. In all cases in which any duty is assigned by the Act hereby amended to the clerk of either House of Parliament, the same shall be performed by the clerk of the Joint Committee of the two Houses on printing, or other officer specially designated by that Committee, in respect of all matters within the jurisdiction and under the superintendence of that Committee and its officers.

Duties assigned to clerk of Printing Committee.

2. Section three of the said Act is hereby repealed and the following substituted therefor :—

Section 3 repealed; new section.

"3. All printing, stereotyping or electrotyping, lithography or binding work, or work of a like nature, and paper and other material therefor, required for the use of the Senate and the House of Commons, and of the several departments of the Government of Canada—whether for the inside service or the outside service—shall be executed and shall be procured subject to the superintendence and audit of the proper officer of the department: the proper officer of the department shall also superintend and execute the purchase and distribution of all paper, books and all other articles of stationery of whatsoever kind, and the distribution and sale of all books or publications issued by order of either House or both Houses of Parliament, or any department of the Government of Canada, and also the audit of all accounts for the advertising

Certain work to be done and articles supplied by department.

Advertising.

Exception. tising required for the public service; and all work and supplies in this section before mentioned shall be done purchased and distributed through the department exclusively, except that books, which are procured for addition to the Library of Parliament, and printed books required for the use of the chaplains, libraries or schools in the penitentiaries, may be procured as before the second day of June, in the year one thousand eight hundred and eighty-six."

Section 4 repealed; new section.
Appointment of Queen's Printer.

3. Section four of the said Act is hereby repealed and the following substituted therefor:—

His duties.

"4. The Governor in Council may, by commission under the Great Seal, appoint an officer who shall be called the Queen's Printer and Controller of Stationery, shall hold office during pleasure, and shall be the deputy head of the department; he shall, under the Minister, have the management and control of the several services to which this Act relates, and shall have such powers and shall perform such duties as are conferred upon and assigned to him by this Act or by any other Act of the Parliament of Canada, or by any Order in Council made thereunder; but all such powers shall be exercised and such duties be performed subject to the control of the Minister and as he directs; and wherever, in any Act of the Parliament of Canada any power is conferred upon or any duty is assigned to the Queen's Printer, such power may be exercised and such duty shall be performed by the Queen's Printer appointed under this Act:

Qualification of Queen's Printer.

"2. No person shall be appointed Queen's Printer unless he has been actively engaged for at least ten years in the business of printing or publishing or in the superintendence of the printing and cognate services of the Parliament or Government of Canada:

Appointment of officers.

"3. The Governor in Council may also appoint a Superintendent of Printing, a Superintendent of Stationery and an Accountant, who shall respectively have the rank in the Civil Service of Canada which is from time to time assigned to them respectively by the Governor in Council; the Governor in Council may also appoint such officers, clerks and servants as are necessary for the proper conduct of the business of the department; and the said superintendents, accountant, officers, clerks and servants shall hold office during pleasure, and shall perform such services as are, from time to time, assigned to them by the Governor in Council or by the Minister:

Qualification of Superintendent of Printing,

And of Superintendent of Stationery,

"4. No person shall be appointed Superintendent of Printing unless he has had at least five years' experience in the business or trade of a printer, or in the management of a printing house; no person shall be appointed Superintendent of Stationery unless he has had at least five years' experience in the business of a stationery establishment in

Canada, or in the management and superintendence of similar work for the Parliament or Government of Canada; and no person shall be appointed Accountant unless he has a competent knowledge of book-keeping and accounts, and has had at least five years' experience in the measuring and auditing of printing and binding work, either in a printing or publishing establishment, or in the service of the Parliament or Government of Canada:

And of Accountant.

"5. The Superintendent of Printing, the Superintendent of Stationery and the Accountant, being appointed as experts in the work to be performed by them, shall not be subject to the ordinary Civil Service examinations."

Exemption from examination.

4. Sub-sections two and three of section five are hereby repealed and the following substituted therefor:—

Section 5 amended.

"2. The Superintendent of Printing may, with the approval of the Minister, employ such apprentices, journeymen, workmen, skilled hands or others, as are necessary to perform the work of the establishment and may remove the same,—and shall, with like approval, purchase such material, other than printing and other paper, as is necessary for such service. The provisions of "*The Civil Service Act*" shall not apply to the persons so employed by him:

Employment of workmen.

"3. All persons employed under the provisions of the next preceding sub-section shall be paid in accordance with weekly, fortnightly or monthly pay-rolls audited by the Accountant."

Their payment.

5. Section six of the said Act is hereby amended by adding the following sub-section thereto:—

Section 6 amended.

"5. The Superintendent of Stationery may, with the approval of the Minister, employ such persons skilled in the stationery business, apprentices, workmen and others as are necessary for the efficient working of the stationery office, and may remove the same. Such skilled persons and others shall be paid in accordance with weekly, fortnightly or monthly pay rolls audited by the Accountant. The provisions of "*The Civil Service Act*" shall not apply to the persons so employed by him."

Persons may be employed for the stationery office.

Their payment.

6. Section twelve of the said Act is hereby repealed and the following substituted therefor:—

Section 12 repealed; new section.

"12. The deputy head of each department shall furnish to the Minister, when required, an estimate of the probable quantity, quality and variety, as well as the probable amount in value, of all articles commonly known as "stationery," and of the probable amount, in value, of printing and binding required for the purposes of each such department for the then ensuing financial year:

Estimates to be furnished by deputy heads of departments,

"2. The clerk of each House of Parliament shall furnish to the Minister, when required, an estimate of the probable quantity, quality and variety, as well as the probable

And by the clerk of each House,

amount in value, of all articles commonly known as "stationery," required for the purposes of each such House of Parliament for the then ensuing financial year:

And by the clerk of the Printing Committee.

"3. The clerk of the joint Committee on the Printing of Parliament or other officer specially designated by that Committee, shall furnish to the Minister, when required, an estimate of the probable amount, in value, of printing and binding required by the two Houses of Parliament, and also the probable quantity, quality and variety, as well as the probable amount in value, of the printing paper required for the use of Parliament for the then ensuing financial year."

Section 14 repealed; new section.
Statement for Auditor General.

7. Section fourteen of the said Act is hereby repealed and the following substituted therefor:—

R.S.C., c. 20.
Stock to be taken.

"14. The Queen's Printer shall furnish a statement monthly to the Auditor General, with the accounts and vouchers therefor, of all stationery and articles purchased and supplied to each department and each House of Parliament, and also of all printing and binding executed for each department and for the two Houses of Parliament, during the preceding month, certified as correct by the deputy head of such department, or by the clerk of either House of Parliament, or by the clerk of the joint Committee on the printing of Parliament, as the case may be, in the manner provided with respect to contingencies by "*The Contingencies Act*"; and the Auditor General shall, annually or more frequently at his discretion, cause the stock of stationery in store to be checked with the quantities purchased and supplied: "1777"

Audit Act to apply.
R.S.C., c. 29.

"2. The provisions of "*The Consolidated Revenue and Audit Act*" shall, so far as applicable, extend to the accounts and charges incurred under this Act."

Regulations may be made as to discipline, &c.

8. The Minister may, from time to time, with the approval of the Governor in Council, make such regulations as he thinks fit respecting the discipline of the printing and stationery offices and of the persons employed therein, regulating their hours of attendance and rate of salary or wages, and the times and method of payment thereof, and may, from time to time, amend, alter or repeal the same and make others in their place; and such regulations shall be enforced by the Queen's Printer and Controller of Stationery, the Superintendent of Printing and Superintendent of Stationery; and by such regulations fines may be imposed upon such employees for non-attendance during working hours, or misconduct tending to prevent efficient work, or to cause damage to Government property therein.



51 VICTORIA.

CHAP. 18.

An Act to amend the Act respecting Patents of Invention.

[Assented to 22nd May, 1888.]

HER Majesty, by and with the advice and consent of the Preamble.
Senate and House of Commons of Canada, enacts as follows :—

1. Section five of "*The Patent Act*," chapter sixty-one of the Revised Statutes of Canada, is hereby repealed and the following substituted therefor:—

Section 5 of R.S.C., c. 61 repealed; new section.

"5. The Governor in Council may appoint a Deputy Commissioner of Patents whose salary shall be two thousand eight hundred dollars per annum, and may, from time to time, appoint such officers and clerks under such Deputy Commissioner as are necessary for the purposes of this Act, and such Deputy Commissioner, officers and clerks shall hold office during pleasure."

Deputy commissioner and officers may be appointed.

2. The Deputy Commissioner of Patents shall, subject to the head of the Department to which the Patent Office may be, at any time, attached, oversee and direct the officers, clerks and employees in the Patent Office and shall have general control of the business thereof, and shall perform such other duties as are assigned to him by the Governor in Council.

Duties of deputy commissioner

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51 VICTORIA.

CHAP. 19.

An Act to amend the Revised Statutes of Canada, chapter fifty, respecting the North-West Territories.

[Assented to 22nd May, 1888]

Preamble.
R.S.C., c. 50.

WHEREAS it is expedient to amend "*The North-West Territories Act*" as hereinafter provided: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain sections repealed.

1. Sections seven, eight and ten and sections eighteen to twenty-five, both inclusive, of the Act cited in the preamble are hereby repealed

Legislative Assembly, its powers and duties.

2. There shall be a Legislative Assembly for the North-West Territories which shall have the powers and shall perform the duties heretofore vested in and performed by the Council of the North-West Territories, and shall be composed of twenty-two members elected to represent the electoral districts set forth in the schedule to this Act, and of legal experts, not exceeding three in number, appointed by the Governor in Council:

Legal experts.

2. Such legal experts shall retain their seats for the whole term of the Legislative Assembly in the course of which they are appointed; they may take part in the debates and shall have the like privileges as the elected members of the Legislative Assembly, except that they shall not be entitled to vote:

Judges may be appointed as such.

3. Any judge of the Supreme Court of the North-West Territories may be appointed as such legal expert and may receive the sessional allowance hereinafter mentioned, notwithstanding anything contained in section forty-four of the Act above cited:

Compensation of members.

4. In each session of the Legislative Assembly there shall be allowed to each member attending such session the sum of five hundred dollars, and to each legal expert likewise attending the same two hundred and fifty dollars, together with his actual travelling expenses, payable out of the Con-

solidated Revenue Fund of Canada; but such sessional allowance shall be subject to a proportionate reduction for any days on which any such member or legal expert does not attend a sitting of the Legislative Assembly during the session thereof; and the amount of such reduction and also of the travelling expenses above mentioned shall be ascertained in such manner as the Governor in Council prescribes.

3. Every Legislative Assembly shall continue for three years from the date of the return of the writs for choosing the same and no longer; and the first session thereof shall be called at such time as the Lieutenant Governor appoints.

Duration of Assembly.

4. There shall be a session of the Legislative Assembly at least once in every year, so that twelve months shall not intervene between the last sitting of the Assembly in one session and its first sitting in another session; and such Assembly shall sit separately from the Lieutenant Governor, and shall present Bills passed by it to the Lieutenant Governor for his assent, who may approve or reserve the same for the assent of the Governor General.

Limit of time for session.

Proceedings on bills.

5. Until the Legislature of the North-West Territories otherwise provides, as it may do, the law in force therein at the time of the passing of this Act relating to the election of members of the Council of the North-West Territories shall, subject to the provisions of this Act, apply to the election of members of the Legislative Assembly.

Proceedings at elections.

6. The Lieutenant Governor shall, when occasion requires, cause writs to be issued by the Clerk of the Legislative Assembly, in such form and addressed to such returning officers as he thinks fit.

Issue of writs.

7. The persons qualified to vote at an election for the Legislative Assembly, shall be the male British subjects, by birth or naturalization (other than unenfranchised Indians), who have attained the full age of twenty-one years, who have resided in the North-West Territories for at least the twelve months, and in the electoral district for at least the three months, respectively, immediately preceding the time of voting.

Who may vote.

8. Any British subject by birth or naturalization shall be eligible for nomination and election.

Who eligible for election.

2. No nomination at any election shall be valid and acted upon unless at or before the time of nomination a sum of one hundred dollars is deposited in the hands of the Returning Officer; and the receipt of the Returning Officer shall in every case, be sufficient evidence of the payment herein mentioned:

Deposit at nomination.

How applied. 3. The sum so deposited shall be returned to the person by whom the deposit was made in the event of the candidate, by or on whose behalf it was so deposited, being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favor of the candidate elected,—otherwise it shall belong to Her Majesty for the public uses of the Territories; and the sum so paid and not returned as herein provided, shall be applied by the returning officer towards the payment of the election expenses, and an account thereof shall be rendered by him to the Lieutenant Governor.

Oath to be taken by members. 9. Elected members of the Legislative Assembly shall take and subscribe, before the Lieutenant Governor, or before such person as is designated by the Governor in Council, the following oath of allegiance:—

“I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty, her heirs and successors.”

Quorum. 10. A majority of the members of the Legislative Assembly, including the members appointed by the Governor in Council, shall form a quorum for the transaction of business.

Election of Speaker. 11. The Legislative Assembly, on its first assembling after a general election, shall proceed with all practicable speed to elect one of its elected members to be Speaker:

Vacancy in office of Speaker. 2. In case of a vacancy happening in the office of Speaker, by death, resignation or otherwise, the Legislative Assembly shall proceed, with all practicable speed, to elect another of its elected members to be Speaker:

Speaker to preside. 3. The Speaker shall preside at all meetings of the Legislative Assembly:

Case of absence provided for. 4. Until the Legislative Assembly otherwise provides, in case of the absence for any reason of the Speaker from the chair of the Assembly for forty-eight consecutive hours, the Assembly may elect another of its members to act as Speaker, and the member so elected shall, during the continuance of such absence of the Speaker, have and execute all the powers, privileges and duties of Speaker.

Majority to decide. 12. Questions arising in the Legislative Assembly shall be decided by a majority of voices other than that of the Speaker, and when the voices are equal, but not otherwise, the Speaker shall have a vote.

Advisory Council to be appointed. 13. The Lieutenant Governor shall select from among the elected members of the Legislative Assembly four persons to act as an advisory council on matters of finance, who shall severally hold office during pleasure; and the Lieutenant Governor shall preside at all sittings of such advisory council and have a right to vote as a member thereof, and shall also have a casting vote in case of a tie.

14. The Legislative Assembly shall not adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue, or of any tax or impost, to any purpose that has not been first recommended to the Assembly by message of the Lieutenant Governor in the session in which such vote, resolution, address or bill is proposed.

Money votes to be first recommended.

15. The Speaker of the Legislative Assembly shall receive a salary of five hundred dollars per annum, payable out of the Consolidated Revenue Fund of Canada.

Salary of Speaker.

16. The Governor in Council may appoint a Clerk of the Legislative Assembly, who shall act as and perform the duties of secretary to the Lieutenant Governor, and who shall take before the Lieutenant Governor the oath of allegiance, and such oath of office as the Governor in Council prescribes, and who shall receive a salary of two thousand dollars per annum; and such salary shall be paid out of the Consolidated Revenue Fund of Canada.

Clerk of Assembly; his duties and salary.

17. So much of section one hundred and six of the Act hereby amended as provides for the payment of any sum to the members or to the clerk of the Council of the North-West Territories is hereby repealed.

Section 106 of Act amended.

18. Section ninety-four of the Act hereinbefore cited is hereby amended by adding the following sub-section there- to:—

Section 94 amended.

2. Every vehicle on which any such intoxicating liquor or intoxicant is imported or conveyed into or through or over any portion of the Territories, contrary to the provisions of this Act, shall, together with the horses or other cattle employed in drawing any such vehicle as aforesaid, be forfeited to Her Majesty and may be seized and dealt with accordingly.

Vehicles conveying liquor may be seized.

19. This Act shall be construed as one Act with the Act hereby amended.

Construction.

SCHEDULE.

1. The electoral district of Moosomin shall consist of that portion of the provisional district of Assiniboia bounded on the east by the western boundary of the Province of Manitoba, on the north by the sixth base line, being the line between townships twenty and twenty-one in the Dominion lands system of survey, on the south by the line between townships nine and ten, and on the west by the second initial meridian in the Dominion lands system of survey; and such electoral district shall return one member.

Moosomin.

Wallace.

2. The electoral district of Wallace shall consist of that portion of the provisional district of Assiniboia bounded on the east by the western boundary of the Province of Manitoba, on the north by the ninth correction line, in the Dominion lands system of survey, being the northern boundary of the provisional district of Assiniboia, on the south by the line between townships twenty and twenty-one, being the sixth base line, and on the west by the line between ranges seven and eight, west of the second initial meridian in the Dominion lands system of survey; and such electoral district shall return one member.

Whitewood.

3. The electoral district of Whitewood shall consist of that portion of the provisional district of Assiniboia bounded on the north by the sixth base line, on the south by the line between townships nine and ten, on the east by the second initial meridian, and on the west by the line between ranges six and seven, all west of the second initial meridian in the Dominion lands system of survey; and such electoral district shall return one member.

Souris.

4. The electoral district of Souris shall consist of that portion of the provisional district of Assiniboia bounded on the south by the forty-ninth parallel of latitude, being the international boundary line, on the east by the western boundary of the Province of Manitoba, on the west by the line between ranges ten and eleven, and on the north by the line between townships nine and ten, all west of the second initial meridian in the Dominion lands system of survey; and such electoral district shall return one member.

Wolseley.

5. The electoral district of Wolseley shall consist of the territory bounded as follows:—Commencing at the point where the line between townships nine and ten is intersected by the line between ranges six and seven in the Dominion lands system of survey, thence due north along the line between ranges six and seven to its intersection with the sixth base line, thence due west following the sixth base line to its intersection with the line between ranges seven and eight, thence due north along the line between ranges seven and eight to its intersection with the northern boundary of the provisional district of Assiniboia, being the ninth correction line in the Dominion lands system of survey, thence due west along the said ninth correction line to its intersection with the line between ranges ten and eleven, thence due south along the line between ranges ten and eleven to its intersection with the line forming the north boundary of township nine, in the Dominion lands system of survey, thence due east following the north boundary of the said township nine to the place of beginning, being the line between ranges six and seven, west of the second initial meridian in the Dominion lands system of survey; and such electoral district shall return one member.

South Qu'Appelle.

6. The electoral district of South Qu'Appelle shall consist of that portion of the provisional district of Assiniboia bounded

bounded on the south by the international boundary line, on the east by the line between ranges ten and eleven, on the north by the line between townships nineteen and twenty, and on the west by the line between ranges sixteen and seventeen, all west of the second initial meridian in the Dominion lands system of survey; and such electoral district shall return one member.

7. The electoral district of North Qu'Appelle shall consist of that portion of the provisional district of Assiniboia bounded on the south by the line between townships nineteen and twenty, on the east by the line between ranges ten and eleven, on the north by the ninth correction line, being the northern boundary of the provisional district of Assiniboia, and on the west by the line between ranges sixteen and seventeen, all west of the second initial meridian in the Dominion lands system of survey; and such electoral district shall return one member. North Qu'Appelle.

8. The electoral district of North Regina shall consist of that portion of the provisional district of Assiniboia bounded on the east by the line between ranges sixteen and seventeen, on the south by a line drawn through the centre of the track of the main line of the Canadian Pacific Railway, on the north by the ninth correction line, being the northern boundary of the provisional district of Assiniboia, and on the west by the line between ranges twenty-three and twenty-four, all west of the second initial meridian in the Dominion lands system of survey; and such electoral district shall return one member. North Regina.

9. The electoral district of South Regina shall consist of that portion of the provisional district of Assiniboia bounded on the south by the forty-ninth parallel of latitude or the international boundary line, on the east by the line between ranges sixteen and seventeen, on the north by a line drawn through the centre of the track of the main line of the Canadian Pacific Railway, and on the west by the line between ranges twenty-three and twenty-four, all west of the second initial meridian in the Dominion lands system of survey; and such electoral district shall return one member. South Regina.

10. The electoral district of Moose Jaw shall consist of that portion of the provisional district of Assiniboia bounded on the east by the line between ranges twenty-three and twenty-four, west of the second initial meridian, on the west by the line between ranges six and seven, west of the third initial meridian, on the south by the international boundary line or forty-ninth parallel of latitude, and on the north by the ninth correction line, all in the Dominion lands system of survey; and such electoral district shall return one member. Moose Jaw.

11. The electoral district of Medicine Hat shall consist of that portion of the provisional district of Assiniboia lying to the west of the line between ranges six and seven, west of

the third initial meridian in the Dominion lands system of survey ; and such electoral district shall return one member

McLeod.

12. The electoral district of McLeod shall consist of that portion of the provisional district of Alberta bounded on the east by the western boundary of the provisional district of Assiniboia, on the west by the eastern boundary of the Province of British Columbia, on the south by the international boundary line, and on the north by the fifth base line in the Dominion lands system of survey ; and such electoral district shall return one member.

Calgary.

13. The electoral district of Calgary shall consist of that portion of the provisional district of Alberta bounded on the south by the fifth base line, and on the north, commencing at the point where the eastern boundary of the district of Alberta intersects the seventh correction line, being the northern boundary of township twenty-six, range eleven, west of the fourth meridian, in the Dominion lands system of survey, thence due west along the seventh correction line to its intersection with the line between ranges four and five, west of the fifth meridian, thence south along the line between ranges four and five, west of the fifth meridian, to its intersection with the line between townships twenty-three and twenty-four, thence following the line between townships twenty-three and twenty-four due west to the western boundary of the provisional district of Alberta ; and such electoral district shall return two members.

Red Deer.

14. The electoral district of Red Deer shall consist of that portion of the provisional district of Alberta bounded on the south by the electoral district of Calgary before described, and on the north by the twelfth correction line, in the Dominion lands system of survey ; and such electoral district shall return one member.

Edmonton.

15. The electoral district of Edmonton shall consist of that portion of the provisional district of Alberta bounded on the north by the northern boundary of the said provisional district, and on the south by the twelfth correction line in the Dominion lands system of survey ; and such electoral district shall return two members.

Battleford.

16. The electoral district of Battleford shall consist of that portion of the provisional district of Saskatchewan lying west of the line between ranges eleven and twelve, west of the third meridian in the Dominion lands system of survey ; and such electoral district shall return one member.

Prince
Albert.

17. The electoral district of Prince Albert shall consist of that portion of the provisional district of Saskatchewan bounded on the west by the line between ranges eleven and twelve, west of the third initial meridian in the Dominion lands system of survey, on the north by the northern boundary of the provisional district of Saskatchewan, and on the south by a line described as follows: commencing at the point where the north boundary of township forty-seven intersects the line between ranges eleven

and twelve west of the third meridian, thence due east following the north boundary of township forty-seven to its intersection with the line between ranges one and two, west of the third initial meridian, thence following a line drawn easterly to the point where the north boundary of township forty-seven, range twenty-three, west of the second initial meridian intersects the line between ranges twenty-three and twenty-four, west of the second initial meridian, thence due east following the northern boundary of township forty-seven, to its intersection with the eastern boundary of the provisional district of Saskatchewan; and such electoral district shall return two members.

18. The electoral district of Batoche shall consist of that portion of the provisional district of Saskatchewan lying to the south of the line between townships forty-seven and forty-eight and bounded on the west by the line between ranges eleven and twelve, west of the third initial meridian, and on the east by the third initial meridian in the Dominion lands system of survey; and such electoral district shall return one member. Batoche.

19. The electoral district of Kinistino shall consist of all that portion of the provisional district of Saskatchewan lying to the east of the third initial meridian in the Dominion lands system of survey, and bounded on the north by the southern boundary of the electoral district of Prince Albert before described; and such electoral district shall return one member. Kinistino.

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51 VICTORIA.

CHAP. 20.

An Act further to amend Chapter fifty-one of the Revised Statutes of Canada, "The Territories Real Property Act."

[Assented to 22nd May, 1858.]

Preamble.

WHEREAS it is expedient further to amend chapter fifty-one of the Revised Statutes of Canada, respecting real property in the Territories: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Interpretation.

1. In this Act the expression "the said Act" means "*The Territories Real Property Act*," chapter fifty-one of the Revised Statutes.

Section 3 amended.

2. The paragraph lettered (a.) of section three of the said Act is hereby repealed and the following substituted therefor:—

"Land."

"(a.) The expression "land" means lands, messuages, tenements and hereditaments, corporeal and incorporeal, of every nature and description, whatever the estate or interest therein is, and whether such estate or interest is legal or equitable, together with all paths, passages, ways, water courses, liberties, privileges, easements, mines, minerals and quarries appertaining thereto, and all trees and timber thereon and thereunder lying or being, unless any such are specially excepted."

Section 5 repealed; new section. Descent of land.

3. Section five of the said Act is hereby repealed, and the following substituted therefor:—

"**5.** Land in the Territories shall go to the personal representatives of the deceased owner thereof in the same manner as personal estate now goes."

Application of sections 5 to 17.

4. It is hereby declared that sections five to seventeen of the said Act, both inclusive, were intended to extend and the provisions of the said sections shall be held to have extended from

from the date upon which the said Act came into force to all land in the Territories and to every estate and interest therein.

5. The Governor in Council may, from time to time, appoint an Inspector of Land Titles Offices, whose duty shall be, under instructions from the Minister of the Interior, to inspect the books and records of the several Land Titles Offices, and to perform such other duties as are directed by the Minister of the Interior to be done from time to time; and the said Inspector may, in the discretion of such Minister, be directed to perform any duty which any Registrar is empowered by the said Act to perform; but no person shall be appointed Inspector of Land Titles Offices unless he is a barrister or advocate of at least three years standing in one of the Provinces or Territories of Canada.

*Inspector of
land titles
offices.*

*His qualifica-
tion.*

6. Section twenty-four of the said Act is hereby repealed and the following substituted therefor:—

*Section 24 re-
pealed; new
section.
Salaries.*

"24. The salaries of the Inspector of Land Titles Offices, and of registrars, deputy registrars, and other necessary officers, and such incidental expenses of carrying this Act into effect as are sanctioned by the Governor in Council, shall be paid out of moneys provided by Parliament for that purpose."

7. Section twenty-five of the said Act is hereby repealed and the following substituted therefor:—

*Section 25 re-
pealed; new
section.
Oath of office.*

"25. Every Inspector of Land Titles Offices, registrar and deputy registrar, before he enters upon the execution of his office, shall take, before some judge or stipendiary magistrate in the Territories the oath of office in the form A in the schedule to this Act."

8. Section thirty-eight of the said Act is hereby repealed and the following substituted therefor:—

*Section 38 re-
pealed; new
section.*

"38. The registrar shall keep a book or books, which shall be called "The Register," and shall enter therein duplicates of all certificates of titles, to be issued as hereinafter provided for; and each certificate of title shall constitute a separate folio of such book, and the registrar shall record therein the particulars of all instruments, dealings and other matters by this Act required to be registered or entered in the register, and affecting the land included under such certificate of title."

*Register to be
kept and cer-
tain entries
made therein.*

9. Section forty-four of the said Act is hereby repealed and the following substituted therefor:—

*Section 44 re-
pealed; new
section.*

"44. Whenever any land is granted in the Territories by the Crown, the letters patent therefor, when issued, shall be forwarded from the office whence the same are issued to the registrar of the registration district in which the land

*Registration
of letters
patent.*

so granted is situated, and the registrar shall retain the letters patent in his office and bind the same; and a certificate of title, with any necessary qualifications, shall be granted to the patentee:

Certificate of title free of charge.

"2. Such certificate shall be issued to the patentee free of all the fees and charges herein provided to be paid, if at the time of the issue of such certificate there are no registered encumbrances affecting such land:

Notification to Hudson's Bay Company, how dealt with by registrar.

"3. The notification to the Hudson's Bay Company by the Minister of the Interior, under the provisions of subsection seven of section twenty-two of '*The Dominion Lands Act*,' of the survey and confirmation of the survey of any township or part of a township, shall be accepted by the registrar as equivalent to, and dealt with by him in all respects in the same manner as if the said notification were letters patent in favor of the said company, granting to the said company in fee simple the sections or three-quarter parts of sections to which they are entitled in such townships or parts of townships under the provisions of '*The Dominion Lands Act*:'

Filing and future issue of notification.

"4. Any such notifications which have already been issued may be filed by the Company with the registrar of the district within which the lands affected thereby are situated, and, for the future, such notifications shall be issued in duplicate, one to be sent to the said Company and one to the registrar of the proper district:

In the case of Canadian Pacific and other railway lands.

"5. A notification to the registrar from the Minister of the Interior, that the lands described therein have been granted to the Canadian Pacific Railway Company or to any railway company entitled to Dominion Lands under the authority of an Act of the Parliament of Canada, shall be accepted by the registrar, and dealt with by him in all respects as if the same were letters patent in favor of such company; the notification shall state whether the grant be in fee simple or for years, and shall also specify any mines, minerals, rights or easements which are excepted from the grant."

What the notification shall specify.

Section 45 amended.

10. Section forty-five of the said Act is hereby amended by adding thereto the following sub-section:—

What fees may be charged.

2. If, at the time of the issue of the certificate of title, there are no registered encumbrances or conveyances affecting such land, the certificate may be issued to the patentee upon the payment of such fees as are fixed in that behalf by tariff made from time to time by the Governor in Council; but no fees shall be payable therefor under the provisions of subsection two of section one hundred and thirty-three of this Act.

Exception.

Section 46 further amended.

11. Section forty-six of the said Act is hereby further amended by adding the following paragraph thereto after the paragraph lettered (c.)

(d.) A certificate from the treasurer of the municipality wherein the lands lie, or other proper officer, showing that, at the date of the filing of the application, such lands are not chargeable with any arrears of municipal charges, rates or assessments.

Proof of payment of municipal charges.

12. Section forty-seven of the said Act is hereby amended by adding the following sub-sections thereto :—

Section 47 amended.

2. If there is any mortgage or encumbrance outstanding against the land at the date of the said application, the filing with the registrar of the original mortgage or instrument creating the encumbrance, or a copy thereof having indorsed thereon or attached thereto a receipt or acknowledgment of the amount thereby secured, signed by the mortgagee or encumbrancee and proved by the affidavit of an attesting witness, shall operate as a discharge of such mortgage or encumbrance, and as a reconveyance of the land to the mortgagor or encumbrancer or the person claiming the land through such mortgagor or encumbrancer.

Effect of filing original mortgage with receipt of mortgagee thereon.

3. Such receipt or acknowledgment may be in the form M. 1, appended to this Act.

Form of receipt.

13. Section fifty-six of the said Act is hereby repealed and the following substituted therefor :—

Section 56 repealed ;

“ **56.** Every registered owner or mortgagee of any land or interest therein shall deliver to the registrar a memorandum in writing of some post office address within the Territories, to which it shall be sufficient to mail all notices that under this Act are required to be sent to such registered owner or mortgagee and every registered owner and mortgagee shall, from time to time, in like manner, notify the registrar of any change in his post office address ; and every registered owner or transferee of any registered interest shall, if required by the registrar so to do, before the delivery of any certificate of title, sign a receipt therefor in his own handwriting, or otherwise furnish the registrar with his signature, so as to prevent personation as far as possible : Provided, that the registrar may proceed without such memorandum of address.”

new section. Owner or mortgagee to give post office address and receipt for certificate.

Proviso.

14. Section sixty-eight of the said Act is hereby amended by striking out all the words after the word “transfer” in the fifth line thereof, down to and including the word “transfer” in the seventh line thereof.

Section 68 amended.

15. Section eighty-two of the said Act is hereby repealed and the following substituted therefor :—

Section 82 repealed ; new section.

“ **82.** Upon the production of any memorandum of mortgage or encumbrance, having indorsed thereon or attached thereto a receipt or acknowledgment signed by the mortgagee or encumbrancee, and proved by the affidavit of an attesting witness, discharging the land specified or any part

Registration of discharge of mortgage, &c.

Entry by registrar.

Effect of entry.

of the land comprised in such instrument, from the whole or any part of the principal sum or annuity secured thereby, or upon proof being made to the satisfaction of a judge of the payment of all moneys due on any mortgage or encumbrance and the production to the registrar of a certificate signed by the judge to that effect, the registrar shall thereupon make an entry in the register, noting that such mortgage or encumbrance is discharged, wholly or partially, or that part of the land is discharged, as aforesaid, as the case requires; and upon such entry being so made, the land, or the estate or interest in the land, or the portion of the land mentioned or referred to in such indorsement as aforesaid, shall cease to be subject to or liable for such principal sum or annuity, or, as the case may be, for the part thereof noted in such entry as discharged."

Section 94 repealed; new section.
Duty of sheriff, &c., receiving process against land.

Entry by registrar in such case.

Effect of entry.

16. Section ninety-four of the said Act is hereby repealed and the following substituted therefor:—

"**94.** Every sheriff or other officer charged with the execution thereof, shall, after the delivery to him of any writ or process affecting land, or lien, mortgage or encumbrance, or other interest therein, deliver a copy of every such writ or process so in his hands or that may thereafter be delivered to him, certified under his hand, together with a memorandum in writing of the lands intended to be charged thereby, to the registrar within whose district such lands are situate, and no land shall be bound by any such writ or other process, until such copy and memorandum have been so delivered; and the registrar shall thereupon, if the title has been registered, or so soon as the title has been registered under the provisions of this Act, enter a memorandum thereof in the register; and from and after the delivery of a copy of any such writ or other process and memorandum to the registrar, the same shall operate as a caveat against the transfer by the owner of the land mentioned in such memorandum, or of any interest he has therein; and no transfer shall be made by him of such land or interest therein except subject to such writ or other process."

Section 101 amended.

17. Section one hundred and one of the said Act is hereby amended by striking out the words "instruments under the seal of any corporation" in the third and fourth lines of the said section.

Section 102 amended.

18. The first paragraph of section one hundred and two of the said Act is hereby repealed and the following substituted therefor:—

As to instruments executed out of Territories.

"**102.** Instruments requiring to be registered under the provisions of this Act, executed without the limits of the Territories, other than the instruments excepted under the provisions of the next preceding section, shall be witnessed

by some person who can write, and who shall make an affidavit in the form R in the schedule to this Act before one of the following persons :—”

19. Section one hundred and twenty of the said Act is hereby repealed and the following substituted therefor:—

Section 120 repealed; new section. Map to be filed by owners subdividing land.

“**120.** Any owner subdividing land for the purpose of selling the same in allotments, as a town plot, shall deposit with the registrar a map of such town plot,—which map shall be on a scale of not less than one inch to four chains, and shall show the number of the section, township and range, or the number of the river lot, or the name of the district or reservation, as the case may be, in which the land lies; also the number of the meridian west of which the said range, river lot, district or reservation is situated, as well as all boundary lines of the section or sections, river lot, district or reservation, within the limits of the land shown on the said map, and shall also exhibit distinctly all roads, streets, passages, thoroughfares, squares or reservations, appropriated or set apart for public use, with the courses and widths thereof respectively, the length and width of all lots, and the courses of all division lines between the respective lots within the same; and such lots shall be marked with distinct numbers or symbols; and such map shall further show the courses of all streams or waters within the limits of the land included in such map; and every such map shall be signed by the owner or his agent, and certified, in the form T in the schedule to this Act by a Dominion land surveyor, under and in accordance with the provisions of sections one hundred and one and one hundred and two of this Act.”

What the map shall show.

Map to be signed and certified.

20. Section one hundred and thirty-three of the said Act is hereby repealed and the following substituted therefor:—

Section 133 repealed; new section.

“**133.** The Governor in Council may, from time to time, settle by tariff the fees to be paid under the provisions of this Act, or in connection therewith:

Governor in Council to establish fees.

“2. Except as herein otherwise provided, there shall be paid, together with the fees under this Act which are, from time to time, fixed by the Governor in Council, one-fifth of one per cent. on the value of the real property registered, if such value amounts to or is less than five thousand dollars, and one-tenth of one per cent. on the additional value, when such value exceeds five thousand dollars:

Additional fees on value of real property.

“3. The value shall be ascertained by the oath or solemn affirmation of the applicant, owner or person acquiring such land; and if the registrar is not satisfied as to the correctness of the value so affirmed or sworn to, he may require such applicant, owner or person acquiring such land to produce a certificate of such value, under the hand of a sworn valuator, appointed by a judge,—which cer-

How value is to be ascertained.

tificate shall be received as conclusive evidence of such value for the purpose aforesaid."

Substituted
section 138
repealed;
new section.

21. The section substituted for section one hundred and thirty-eight of the said Act by section six of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter thirty, is hereby repealed and the following substituted therefor:—

Appeal.
Composition
of Court of
Appeal.

"**138.** Any person who feels aggrieved by any judgment or decision of the court or judge and also the Inspector of Land Titles Offices and any Registrar or Deputy Registrar, may appeal from any judgment or decision to the Court of Appeal; and for the purposes of this Act the several judges of the Supreme Court of the North-West Territories sitting together are hereby constituted the Court of Appeal, and a majority of such judges shall form a quorum. Such Court of Appeal shall be presided over by the senior judge present, and shall sit at least once in each year at the seat of government of the North-West Territories for the purpose of hearing appeals from any such judgment or decision as aforesaid; and such court shall have power, by rules and orders, to regulate the sittings of the court, the practice and proceedings on appeal and before it, including costs and payment thereof, and the enforcement of judgments of such court; and such judgment shall be certified by the presiding judge, and shall be final in all cases."

Sittings.

Powers to
make rules

Judgment
final.

Form of certi-
ficate of
ownership
may be vari-
ed.

50-51 V., c.
30, s. 7.

22. The Governor in Council may, from time to time, vary the form of the certificate of ownership provided for by section seven of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter thirty, and provide that the same shall specially mention any subsisting reservations contained in the original grant from the Crown.

Form F fur-
ther amend-
ed.

23. The form F in the schedule to the said Act as amended by the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter thirty, is hereby amended by striking out the word "declaration" in the last line but one, and substituting the word "certificate" therefor.

Schedule
amended;
forms added.

24. The schedule to the said Act is hereby amended by adding the following forms thereto:—

" FORM M 1.

Receipt or acknowledgment of payment of mortgage or other encumbrance.

"I, C. D., the mortgagee, (encumbrancee or assignee *as the case may be*) do acknowledge to have received all the moneys due

due or to become due under the within written mortgage (or encumbrance, *as the case may be*) and that the same is wholly discharged.

"In witness whereof I have hereunto subscribed my name this day of , 18 .

"Signed by the above named C.D., }
 this day of } (Signature.)
 A.D., 18 , in the presence of }
 X. Y."

" FORM T.

I, Dominion Land Surveyor, do solemnly declare that this plan accurately shows the manner in which the land included therein has been surveyed and subdivided by me, and that the said plan is prepared in accordance with the provisions of "*The Territories Real Property Act*," chapter fifty-one of the Revised Statutes of Canada.

Dated at 18

A. B.
Dominion Land Surveyor."

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51 VICTORIA.

CHAP. 21.

An Act further to amend "The Dominion Lands Act."

[Assented to 22nd May, 1888.]

Preamble

Board for administration of colonization fund.

WHEREAS a fund is in course of being raised to enable a scheme to be inaugurated for the colonization of crofters and cotters from the West Highlands and islands of Scotland, in Canada; and whereas it is proposed to establish a board for the administration of such fund, consisting of commissioners representing the private subscribers to the said fund and any land company which may co-operate in and give its assistance to the said scheme: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Board vested with certain powers.

1. The board constituted in the manner and for the purposes set forth in the preamble to this Act shall be vested with all the powers conferred upon persons or companies by section forty-four of chapter fifty-four of the Revised Statutes of Canada, as amended by the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign and chaptered thirty-one, and such board and any persons who accept the assistance of the said board for the purpose of placing themselves on homestead lands shall be subject to all the provisions of the said before cited section as so amended.

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51 VICTORIA.

CHAP. 22.

An Act further to amend "The Indian Act," Chapter forty-three of the Revised Statutes.

[Assented to 22nd May, 1888.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sub-section one of section thirteen of "*The Indian Act*" is hereby repealed and the following substituted therefor:—

Section 13 of R.S.G., c. 43 amended.

"**13.** No half-breed in Manitoba who has shared in the distribution of half-breed lands shall be accounted an Indian; and no half-breed head of a family, except the widow of an Indian or a half-breed who has already been admitted into a treaty, shall, unless under very special circumstances, which shall be determined by the Superintendent General or his agent, be accounted an Indian or entitled to be admitted into any Indian treaty; and any half-breed who has been admitted into a treaty shall, on obtaining the consent in writing of the Indian Commissioner or in his absence the Assistant Indian Commissioner, be allowed to withdraw therefrom on signifying in writing his desire so to do,—which signification in writing shall be signed by him in the presence of two witnesses, who shall certify the same on oath before some person authorized by law to administer the same; and such withdrawal shall include the minor unmarried children of such half-breed."

As to half breeds in Manitoba and elsewhere.

Withdrawal from treaty.

2. Section forty-three of the said Act is hereby amended by adding the following sub-sections thereto:—

Section 43 amended.

"**4.** Whenever the proper municipal officer having, by the law of the Province in which the land affected is situate, authority to make or execute deeds or conveyances of lands sold for taxes, makes or executes any deed or conveyance purporting to convey any land, or portion of land, the fee of which is vested in the Crown or any person in trust for or for the use of any Indian or non-treaty Indian or band or

Conveyance of land sold for taxes.

Superintendent General may take action.	irregular band of Indians or non-treaty Indians, but which has been surrendered under the provisions of this Act, or purporting to grant or convey the interest of any locatee or purchaser from the Crown, and such deed or conveyance recites or purports to be based upon a sale of such land or such interest for taxes, the Superintendent General may act upon and treat such deed or conveyance as a valid transfer of all the right and interest of the original locatee or purchaser from the Crown, and of every person claiming under him, in or to such land to the grantee named in such deed or conveyance :
Effect of such action.	" 5. So soon as the Superintendent General has signified his approval of such deed or conveyance by endorsement thereon, the grantee shall be substituted in all respects, in relation to the land so conveyed, for the original locatee or purchaser from the Crown, but no such deed or conveyance shall be deemed to confer upon the grantee any greater right or interest in the land than that possessed by the original locatee or purchaser from the Crown :
Issue of patent.	" 6. The Superintendent General may cause a patent to be issued to the grantee named in such deed or conveyance on the completion of the original conditions of the location or sale, unless such deed or conveyance is declared invalid by a court of competent jurisdiction in a suit or action instituted by some person interested in such land within two years of the date of such sale for taxes, and unless within such delay notice of such contestation has been given to the Superintendent General :
Time for registration.	" 7. Every such deed or conveyance shall be registered in the office of the Superintendent General within two years from the date of the sale for taxes ; and unless the same is so registered, it shall not be deemed to have preserved its priority, as against a purchaser in good faith from the original locatee or purchaser from the Crown, in virtue of an assignment registered in like manner previously to the date of the registration of the deed or conveyance based upon a sale for taxes as aforesaid."
Section 77 amended.	3. Sub-section three of section seventy-seven is hereby repealed and the following substituted therefor:—
Exemption from taxation.	" 3. All land vested in the Crown or in any person, in trust for or for the use of any Indian or non-treaty Indian, or any band or irregular band of Indians or non-treaty Indians, shall be exempt from taxation, except those lands which, having been surrendered by the bands owning them, though unpatented, have been located by or sold or agreed to be sold to any person ; and, except as against the Crown and any Indian located on the land, the same shall be liable to taxation in like manner as other lands in the same
Exception.	locality ; but nothing herein contained shall interfere with the right of the Superintendent General to cancel the original
Rights saved.	sale

sale or location of any land, or shall render such land liable to taxation until it is again sold or located."

4. Section ninety-four of the said Act is hereby repealed and the following substituted therefor:—

Section 94 repealed; new section.

"94. Every one, who by himself, his clerk, servant or agent, and every one who in the employment or on the premises of another directly or indirectly on any pretence or by any device sells, barter, supplies or gives to any Indian or non-treaty Indian any intoxicant, or causes or procures the same to be done or attempts the same or connives thereat, or opens or keeps, or causes to be opened or kept on any reserve or special reserve, a tavern, house or building in which any intoxicant is sold, bartered, supplied or given, or who is found in possession of any intoxicant in the house, tent, wigwam or place of abode of any Indian or non-treaty Indian or of any person, or upon any other part of the reserve or special reserve, or who sells, barter, supplies or gives to any person on any reserve or special reserve any intoxicant, shall, on summary conviction before any judge, police magistrate, stipendiary magistrate or two justices of the peace or Indian agent, upon the evidence of one credible witness other than the informer or prosecutor—or in the Province of Manitoba, the Province of British Columbia, the North-West Territories or the District of Keewatin, upon the evidence of the informer alone if he is a credible person—be liable to imprisonment for a term not exceeding six months and not less than one month, with or without hard labor, or to a penalty not exceeding three hundred dollars and not less than fifty dollars with costs of prosecution, or he shall be liable to both penalty and imprisonment in the discretion of the convicting judge, magistrate, stipendiary magistrate, justices of the peace or Indian agent; and a moiety of every such penalty shall belong to the informer or prosecutor, and the other moiety thereof shall belong to Her Majesty to form part of the fund for the benefit of that body of Indians or non-treaty Indians with respect to one or more members of which the offence was committed."

Punishment for furnishing intoxicants to Indians.

Penalties.

Application of fines.

5. The said Act is hereby amended by adding the following section thereto:—

New section added.

"132. Notwithstanding anything contained in this Act, the Governor in Council may, from time to time, direct that any fine, penalty or forfeiture or any portion thereof which would otherwise belong to the Crown for the public uses of Canada, or be paid to the Minister of Finance and Receiver General for the use of any band of Indians, or which would belong to Her Majesty to form part of the fund for any body of Indians or non-treaty Indians, or which

Application of penalties may be varied.

is ordered to be disposed of in any particular manner, be paid to any Provincial, municipal or local authority."

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51 VICTORIA.

CHAP. 23.

An Act to amend the Revised Statutes of Canada, chapter ninety-seven, respecting Ferries.

[Assented to 22nd May, 1888.]

WHEREAS it is expedient to make further provision, as hereinafter set forth, respecting the licensing and control of ferries to which chapter ninety-seven of the Revised Statutes of Canada applies: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.
R.S.O., c. 97.

1. Section two of the "*Act respecting Ferries*" is hereby amended by striking out all the words therein after the word "Council" in the second line thereof.

Section 2
amended.

2. Section three of the said Act is hereby amended by inserting after the word "ferry" in the first line of the said section the words, "other than a ferry between Canada and any other country."

Section 3
amended.

3. Section four of the said Act is hereby repealed and the following substituted therefor:—

Section 4 re-
pealed; new
section.

"4. In the case of a ferry between Canada and any other country, the Governor in Council may authorize a ferry license to be granted, or to be renewed, for any period not exceeding ten years, as the exigencies of the case require; but every such license shall be liable to cancellation for any violation of the customs laws of Canada, or of the country between which and Canada the ferry is established, and for any violation of the regulations made by the Governor in Council, as hereinafter provided:

Conditions as
to licenses for
international
ferries.

"2. In the case of a ferry between any two Provinces, a ferry license may be granted, after public competition as hereinbefore provided, for any period not exceeding five years; but the Governor in Council, if he is satisfied that the regulations hereinafter mentioned have been complied with and the public requirements met, may in any case, without calling for tenders as aforesaid, authorize the

And as to
licenses for in-
terprovincial
ferries.

Renewal of
existing licen-
ses.

extension of the license for an additional period of five years, upon such terms as are set forth in the Order in Council; and any license existing at the time of the passing of this Act may, in like manner, be renewed for a term of five years by the Governor in Council."

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51 VICTORIA.

CHAP. 24.

An Act to amend "The Adulteration Act," chapter one hundred and seven of the Revised Statutes of Canada.

[Assented to 4th May, 1888.]

IN amendment of "*The Adulteration Act*," Her Majesty, by Preamble.
and with the advice and consent of the Senate and R.S.O., c. 107
House of Commons of Canada, enacts as follows :—

1. The paragraph of section two of the said Act lettered Section 2
(a) is hereby repealed and the following substituted in lieu amended.
thereof :—

"(a.) The expression "food" includes every article used Interpreta-
for food or drink by man or cattle, and every ingredient tion ;
intended for mixing with the food or drink of man or cattle "Food."
for any purpose whatsoever."

2. The said section two is hereby further amended by
adding the following at the end thereof :—

"(i.) The expression "analyst" includes any member of the "Analyst."
examining board appointed under the authority of paragraph
two of section three of this Act, and any assistant analyst
to the chief analyst at Ottawa."

2. Section five of the said Act is hereby amended by Section 5
adding the following sub-section thereto :— amended.

"2. The prohibition contained in the first sub-section of Civil Service
section fifty-one of "*The Civil Service Act*," shall not extend Act not to ap-
to officers rendering service under this section." ply.

3. Section nine of the said Act is hereby amended by Section 9
adding the following at the end thereof as sub-section amended.
three :—

"3. The Minister of Inland Revenue, or the Commissioner Special ana-
of Inland Revenue, or any person duly authorized in that lysis in cer-
behalf, may, however, cause the part intended to be tain cases.
analyzed, as in the next preceding sub-section mentioned,
to be submitted to the chief analyst, or to any other of the
analysts appointed under this Act, who is deemed by him

Effect of certificate.

to have special skill and experience in the examination of particular substances, and such analyst shall report to the Minister of Inland Revenue; and in every such case the certificate of the analyst employed under this sub-section shall have the like force and effect as the certificate of the analyst hereinafter mentioned."

Section 10 amended.

4. Section ten of the said Act is hereby amended by inserting after the words "certificate of the chief analyst," in the tenth and eleventh lines, the words "or of his assistant analyst."

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51 VICTORIA.

CHAP. 25.

An Act to amend the Weights and Measures Act as respects the contents of packages of salt.

[Assented to 22nd May, 1888.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Every barrel of salt packed in bulk, sold or offered for sale, shall contain two hundred and eighty pounds of salt, and every such barrel of salt, sold or offered for sale, shall have the correct gross and net weight thereof marked upon it in a permanent manner. Contents and marking of barrels of salt.

2. When bags of salt are packed in barrels, the number of bags contained in the barrel and the weight of the aggregate amount of salt shall be marked, stamped or branded on one head of the barrel. As to bags of salt in barrels

3. The name or the registered trade mark of the packer of the salt, if it is packed in Canada, or the name and address of the importer, if it is packed elsewhere than in Canada, shall be marked, stamped or branded on every barrel of salt sold or offered for sale in Canada. Name to be marked on barrel.

4. Every person who neglects to comply with any provision of this Act, and every person who sells or offers for sale any salt in contravention of the foregoing provisions of this Act, shall be liable, on summary conviction, to a penalty of not less than ten dollars for each offence; but no deficiency in the weight of the salt contained in any package shall be deemed a contravention of this Act unless such deficiency exceeds five per cent., nor shall any penalty be recoverable under this Act unless proceedings for the recovery of the same are instituted within twenty days after delivery of the package of salt in respect of which it is claimed that a contravention of this Act has been committed. Penalty for contravention. Exception. Limitation of time.



51 VICTORIA.

CHAP. 26.

An Act to amend the Steamboat Inspection Act, chapter seventy-eight of the Revised Statutes.

[Assented to 22nd May, 1888.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation.
“Minor waters of Canada.”

1. In this Act the expression “minor waters of Canada” means all inland waters of Canada (including the River Saint Lawrence as far seaward as a line drawn from Father Point, on the south shore, to Point Orient on the north shore) with the exception of Lakes Erie, Ontario, Huron, Superior and Winnipeg, and the waters of Georgian Bay.

Section 4 of R.S.C., c. 79 amended.

2. Section four of “*The Steamboat Inspection Act*,” is hereby amended by adding the following words at the end of the said section:—“and all steam yachts of three tons, gross tonnage, and under, used exclusively for pleasure or private use without hire or remuneration of any kind, shall be exempt from all the requirements of this Act.”

Section 36 amended.

3. The first sub-section of section thirty-six of the said Act is hereby amended by striking out the words “hay or other” in the fifteenth line of the said sub-section, and inserting in lieu thereof the word “any.”

Permits to act as engineers may be granted.

4. The Minister of Marine and Fisheries, upon the report of the inspector of boilers and machinery, in whose district the steamboat is to run, may grant a permit to a fourth class engineer or other applicant, sufficiently qualified by his knowledge of steam machinery and his experience as engineer, authorizing him to act as engineer on a steamboat carrying passengers, and not exceeding twenty tons gross tonnage, and within specified limits in the minor waters of Canada—which steamboat and limits shall be designated in the permit:

2. Such permit may be issued and be in force for a term ^{Duration.} not exceeding one year, but may be suspended or cancelled for cause by the Minister, who may also renew the same from time to time for any term not exceeding one year :

3. For every such permit and for every renewal thereof ^{Fee to be paid.} the applicant shall pay the sum of two dollars, which shall be paid over to the Minister of Finance and Receiver General to form part of the Consolidated Revenue Fund of Canada.

5. No person who holds a permit issued under this Act, ^{Exemption from penalty in such case.} and no person who employs him as holding such permit, shall be liable to the penalty provided by section forty-three of the Act hereinbefore cited, if he is acting on the vessel and within the limits specified in the said permit.

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51 VICTORIA.

CHAP. 27.

An Act to amend "The Bank Act," Chapter one hundred and twenty of the Revised Statutes of Canada.

[Assented to 22nd May, 1888.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S.C., c. 120,
s. 54 repealed;
new section.

1. Section fifty-four of chapter one hundred and twenty of the Revised Statutes of Canada is hereby repealed and the following is substituted in lieu thereof:

When warehouseman,
&c., is also
owner of the
goods.

"**54.** If any person who grants a warehouse receipt or bill of lading is engaged in the calling, as his ostensible business, of keeper of a yard, cove, wharf or harbor, or of warehouseman, miller, saw-miller, maltster, distiller, manufacturer of timber, wharfinger, master of a vessel, or other carrier by land or by water, or by both, curer or packer of meat, tanner, manufacturer or dealer in wool or cotton, or purchaser of agricultural produce, and is at the same time the owner of the goods, wares and merchandise mentioned in such warehouse receipt or bill of lading, every such warehouse receipt or bill of lading, and the right and title of the bank thereto and to the goods, wares and merchandise mentioned therein, shall be as valid and effectual as if such owner, and the person making such warehouse receipt or bill of lading, were different persons."

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51 VICTORIA.

CHAP. 28.

An Act to amend Chapter one hundred and twenty-four of the Revised Statutes, respecting Insurance.

[Assented to 22nd May, 1888.]

HER Majesty, by and with the advice and consent of the Preamble.
Senate and House of Commons of Canada, enacts as follows :—

1. The paragraph of section three of "*The Insurance Act*" lettered (c.) is hereby repealed and the following substituted therefor :— Section 3 of R.S.O., c. 124 amended.

"(c.) To any company incorporated by an Act of the Legislature of the late Province of Canada, or by an Act of the Legislature of any Province now forming part of Canada, which carries on the business of insurance, wholly within the limits of that Province by the Legislature of which it was incorporated, and which is within the exclusive control of the Legislature of such Province; but any such company may, by leave of the Governor in Council, on complying with the provisions of this Act, avail itself of the provisions of this Act, and if it so avails itself, the provisions of this Act shall thereafter apply to it, and such company shall have the power of transacting its business of insurance throughout Canada." As to certain companies under Provincial Acts. Provide : how such company may avail itself of this Act.

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51 VICTORIA.

CHAP. 29.

An Act respecting Railways.

[Assented to 22nd May, 1888.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

Short title.

1. This Act may be cited as "*The Railway Act.*"

INTERPRETATION.

Interpretation.

2. In this Act and in the special Act incorporating any railway company to which this Act or any part thereof applies, unless the context otherwise requires,—

"Company."

(a.) The expression "company" means a railway company, and includes any person having authority to construct or operate a railway;

"County."

(b.) The expression "county" includes any county, union of counties, riding, or like division of a county in any Province or, in the Province of Quebec, any division thereof into separate municipalities;

"Court."

(c.) The expression "court" means a superior court of the Province or district;

"Department."

(d.) The expression "department" means the Department of Railways and Canals;

"Deputy."

(e.) The expression "deputy" means the Deputy of the Minister of Railways and Canals;

"Goods."

(f.) The expression "goods" includes things of every kind that may be conveyed upon the railway, or upon steam vessels or other vessels connected with the railway;

"Highway."

(g.) The expression "highway" includes any public road, street, lane or other public way or communication;

"Inspecting Engineer."

(h.) The expression "inspecting engineer" means an engineer who is directed by the Railway Committee or by the Minister to examine any railway or works, and includes two or more engineers when two or more are so directed;

(i.) The expression "judge" means a judge of a superior "Judge." court ;

(j.) The expression "justice" means a justice of the "Justice." peace acting for the district, county, riding, division, city or place where the matter requiring the cognizance of a justice arises, and who is not interested in the matter ; and when any matter is authorized or required to be done by two justices, the expression "two justices" shall be understood to mean two justices assembled and acting together ; "Two justices."

(k.) The expression "lands" means the lands, the acquiring, taking or using of which is incident to the exercise of the powers given by this or the special Act, and includes real property, messuages, lands, tenements and hereditaments of any tenure ; "Lands."

(l.) The expression "lease" includes an agreement for a "Lease." lease ;

(m.) The expression "map or plan" means a ground plan "Map or plan." of the lands and property taken or intended to be taken ;

(n.) The expression "Minister" means the Minister of "Minister." Railways and Canals ;

(o.) A railway shall be deemed to come "near" to another "Near." when some part of the one is within one mile of some part of the other ;

(p.) The expression "owner," when, under the provisions "Owner." of this Act or the special Act, any notice is required to be given to the owner of any lands, or when any act is authorized or required to be done with the consent of the owner, means any person who, under the provisions of this Act or the special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company ;

(q.) The expression "railway" means any railway which "Railway." the company has authority to construct or operate, and includes all stations, depots, wharves, property, and works connected therewith, and also any railway bridge or other structure which any company is authorized to construct under a special Act ;

(r.) The expression "the Railway Committee" means the "Railway Committee." Railway Committee of the Privy Council ;

(s.) The expression "sheriff" means the sheriff of the "Sheriff." district, county, riding, division, city or place within which are situated any lands in relation to which any matter is required to be done by a sheriff, and includes an undersheriff or other lawful deputy of the sheriff ;

(t.) The expression "Special Act" means any Act "Special Act." under which the company has authority to construct or operate a railway, or which is enacted with special reference to such railway, and includes all such Acts ;

(u.) The expression "toll" includes any rate or charge "Toll." made for the conveyance of any passenger, goods, or carriage, or for the collection, loading, unloading, cording or delivery of goods, or for warehousing or wharfage, or other services incidental to the business of a carrier ;

"Traffic."

(v.) The expression "traffic" includes not only passengers and their baggage, goods, animals and things conveyed by railway, but also cars, trucks and vehicles of any description adapted for running over any railway;

"The undertaking."

(w.) The expression "the undertaking" means the railways and works, of whatsoever description, which the company has authority to construct or operate;

"Working expenditure."

(x.) The expression "working expenditure" means and includes all expenses of maintenance of the railway, and of the stations, buildings, works and conveniences belonging thereto, and of the rolling and other stock and movable plant used in the working thereof, and also all such tolls, rents or annual sums as are paid in respect of property leased to or held by the company, apart from the rent of any leased line, or in respect of the hire of engines, carriages or waggons let to the company; also, all rent charges or interest on the purchase money of lands belonging to the company, purchased but not paid for, or not fully paid for; and also all expenses of or incidental to working the railway, and the traffic thereon, including stores and consumable articles; also, rates, taxes, insurance and compensation for accidents or losses; also, all salaries and wages of persons employed in and about the working of the railway and traffic; and all office and management expenses, including directors' fees, agency, legal and other like expenses; and generally all such charges, if any, not above otherwise specified, as in all cases of English railway companies are usually carried to the debit of revenue, as distinguished from capital account;

When lands are not situate wholly in one district.

(y.) When any matter arises in respect of any lands which are the property of one and the same person, and which are not situate wholly in any one district, county, riding, division, city or place, the expressions "clerk of the peace," "justice" and "sheriff" respectively, mean any clerk of the peace, justice or sheriff for any district, county, riding, division, city or place within which any portion of such lands is situate; and the expressions "clerk of the peace" and "sheriff" respectively include the like persons as in other cases.

APPLICATION OF THE ACT.

Application of Act,

3. This Act, subject to any express provisions of the special Act, and to the exception hereinafter mentioned, applies to all persons, companies and railways within the legislative authority of the Parliament of Canada, except Government railways.

And of certain provisions thereof.

4. In addition, all the provisions of this Act relating to any subject or matter within the legislative authority of the Parliament of Canada, and for greater certainty but not so as to restrict the generality of the foregoing terms, all provisions

visions relating to railway crossings and junctions, offences and penalties and statistics apply to all persons, companies and railways whether otherwise within the legislative authority of Parliament or not.

5. The provisions of this Act, from section thirty-two to section eighty-nine, both inclusive, do not apply to every company and railway within the legislative authority of the Parliament of Canada, but apply to—

Application of sections 32 to 89.

(a.) Every company whose authority to construct or operate any railway is derived from the Parliament of Canada, and to every railway constructed or to be constructed under the authority of any Act passed by the Parliament of Canada ;

(b.) Every company and railway to which such provisions are made applicable, as hereinafter provided :

2. Such provisions shall, in so far as they are applicable to the undertaking, and unless they are expressly varied or excepted therefrom by the special Act, be incorporated with the special Act, form part thereof, and be construed therewith as forming one Act :

To form part of special Act.

3. Any of such provisions may be excepted from incorporation with the special Act, by enacting, in such special Act, that the sections of this Act proposed to be excepted, referring to them by the numbers which they bear respectively, shall not be incorporated with such special Act, which shall thereupon be construed accordingly.

Exception of certain provisions.

6. If in any special Act it is provided that any provisions of any general Railway Act in force at the time of the passing of the special Act is excepted from incorporation therewith, or if the application of any such provision is extended, limited or qualified, the corresponding provision of this Act shall be excepted, extended, limited or qualified in like manner.

As to exceptions now in force.

SECTIONS WHICH MAY BE MADE APPLICABLE TO ANY RAILWAY WITHIN THE LEGISLATIVE AUTHORITY OF PARLIAMENT.

7. Any company within the legislative authority of the Parliament of Canada, to which the provisions of sections thirty-two to eighty-nine both inclusive of this Act are not, or are not clearly and without question, applicable, may apply to the Governor in Council for an order to make the same with or without exceptions or qualifications applicable to such company ; and the Governor in Council, upon proof that notice of such application has been inserted for four weeks in the *Canada Gazette*, may order and declare that the provisions of sections thirty-two to eighty-nine both inclusive of this Act, with such exceptions and qualifications as to the Governor in Council appear just, shall thereafter apply to such company and its railway ; and

How certain provisions may be made applicable to companies not subject to them.

such order shall be published in the *Canada Gazette* and a copy thereof laid before Parliament within fourteen days after the next meeting thereof.

THE RAILWAY COMMITTEE.

Constitution
of Railway
Committee.

8. The Railway Committee of the Privy Council shall consist of the Minister of Railways and Canals, who shall be chairman thereof, of the Minister of Justice and of two or more of the other members of the Queen's Privy Council for Canada to be from time to time appointed by the Governor in Council, three of whom shall form a quorum ; and such committee shall have the powers and perform the duties assigned to it by this Act.

Secretary.

9. The deputy of the Minister of Railways and Canals, or some other fit person appointed by the Committee, shall be secretary of the Committee.

Powers.

Rate of speed
in cities, &c.

10. The Railway Committee may,—

(a.) Regulate and limit the rate of speed at which railway trains and locomotives may be run in any city, town or village, or in any class of cities, towns or villages described in any regulation ; limiting, if the said Railway Committee thinks fit, the rate of speed within certain described portions of any city, town or village, and allowing another rate of speed in other portions thereof,—which rate of speed shall not in any case exceed six miles an hour, unless the track is properly fenced ;

Steam whistle.

(b.) Make regulations with respect to the use of the steam whistle within any city, town or village, or any portion thereof ;

Safety of employees, &c.

(c.) Make regulations with respect to the method of passing from one car to another either inside or overhead, and for the safety of railway employees while passing from one car to another and for the coupling of cars ;

Penalties.

(d.) Impose penalties, not exceeding twenty dollars for each offence, on every person who offends against any regulation made under this section,—which penalties shall be recoverable upon summary conviction :

Other liability
not affected.

2. The imposition of any such penalties shall not lessen or affect any other liability which any person may have incurred.

What matters
Railway
Committee
may hear and
determine.
Right of way.

11. The Railway Committee shall have power to enquire into, hear and determine any application, complaint or dispute respecting,—

(a.) Any right of way over or through lands owned or occupied by any company ;

Change of
line.

(b.) Changes in location for lessening a curve, reducing a gradient, or benefiting the railway, or for other purposes of public advantage ;

(c.) The construction of branch lines exceeding one quarter of a mile in length, but not exceeding six miles ; Branch lines.

(d.) The crossing of the tracks of one company by the tracks of another company ; Crossing tracks.

(e.) The alignment, arrangement, disposition or location of tracks ; Location of track.

(f.) The use by one company of the tracks, stations or station grounds of another company ; Use of tracks.

(g.) The construction of works in navigable waters ; Works in waters.

(h.) The construction of railways upon, along and across highways ; Highways.

(i.) The proportion in which the cost of fencing the approaches to crossings on railways constructed or under construction on the nineteenth of April, one thousand eight hundred and eighty-four, shall be borne by the company and the municipality or person interested ; Cost of fencing.

(j.) The compensation to be made to any person or company in respect of any work or measure directed to be made or taken, or the cost thereof, or the proportion of such cost to be borne by any person or company ; Compensation for work ordered.

(k.) Tolls and rates for the transportation of passengers and freight ; Tolls.

(l.) The adjustment of such tolls and rates between companies ; Adjustment of tolls.

(m.) Running powers or haulage ; Running powers.

(n.) Traffic arrangements ; Traffic.

(o.) Transshipment or interchange of freight ; Transshipment.

(p.) Unjust preferences, discrimination or extortion ; Preferences.

(q.) Any highway or street, ditch or sewer, water, gas or other pipes or mains over or through lands owned or occupied by the company ; or— Streets, sewers, &c.

(r.) Any matter, act or thing, which by this or the special Act is sanctioned, required to be done, or prohibited. General matters.

12. The Railway Committee or the Minister may appoint or direct any person to make an enquiry and report upon any application, complaint or dispute pending before such committee, or any matter or thing connected therewith or incident thereto. Report may be ordered to be made.

13. The Railway Committee, the Minister, inspecting engineer, commissioner for enquiry into any accident or casualty, or person appointed to make any enquiry or report, may— Powers as to inquiry into accident or casualty.

(a.) Enter into and inspect any place or building being the property or under the control of any company, the entry or inspection of which appears to it or him requisite ; Entry.

(b.) Inspect any works, engines, cars, carriages or property of the company ; Inspection.

(c.) Require the attendance of all such persons as it or he thinks fit to call before it or him and examine, and require Witnesses.

answers or returns to such enquiries as it or he thinks fit to make ;

Books, papers,
&c.

(*d.*) Require the production of all books, papers, plans, specifications, drawings and documents relating to the matter before it or him ;

Oaths.

(*e.*) Administer oaths, affirmations or declarations.

Drains, water
and other
pipes on pro-
perty of com-
pany.

14. Whenever, after due notice of application therefor, the Railway Committee decides that it is necessary in the interest of any municipality that means of drainage should be provided, or lines of water pipes or other pipes should be laid, or streets made through, along, across or under any works or lands of the company, it may, after hearing the parties, direct how and on what terms such drainage may be effected, or water pipes or other pipes laid or streets made ; and thereupon such municipality may construct the works necessary to carry out such direction, but only under the supervision of such official as the Railway Committee appoints,—or at its option the Company may construct such works under the like supervision ; and the cost of constructing such works, the cost of supervision, and the continued maintenance of the same shall be paid by such municipality, unless the Railway Committee direct that the company bear some proportion thereof,—in which case the company shall bear such proportion as the Railway Committee decides.

Expense, by
whom borne.

Compelling
attendance of
witnesses, &c.

15. The Railway Committee, the Minister and every such engineer, commissioner or person, shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce the books, papers or things which they are required to produce, as is vested in any court in civil cases.

Payment of
witnesses.

16. Every person summoned to attend before the Railway Committee, or the Minister, or before any such engineer, commissioner, or person, shall receive the same fees and allowances for so doing as if summoned to attend before a court of civil jurisdiction in the Province in which he is required to appear.

Decision may
be made order
of court.

17. Any decision or order made by the Railway Committee under this Act may be made an order of the Exchequer Court of Canada, or of any superior court of any Province of Canada, and shall be enforced in like manner as any rule or order of such court.

Review of de-
cision.

18. The Railway Committee may review and rescind or vary any decision or order previously made by it.

Case may be
stated for
opinion.

19. The Railway Committee may, if it thinks fit, at the instance of any party to the proceedings before it, and
upon

upon such security being given as it directs, state a case in writing for the opinion of the Supreme Court of Canada upon any question which in the opinion of the Committee is a question of law.

20. The Supreme Court of Canada shall hear and determine the question or questions of law arising thereon and remit the matter to the Railway Committee, with the opinion of the court thereon. Opinion to be delivered.

21. Subject to the provisions of section eighteen, every decision and order of the Railway Committee shall be final: Provided always, that either party may petition the Governor in Council, and the Governor in Council may, in his discretion, rescind, change or vary such order as he deems just and proper. Decision final. Appeal to Governor in Council.

22. The costs of and incidental to any proceeding before the Railway Committee shall be in the discretion of the Committee. Costs.

23. Every document purporting to be signed by the chairman and secretary of the Railway Committee, or by either of them, or by the Minister, shall be received in evidence without proof of any such signature, and until the contrary is proved shall be deemed to have been so signed and to have been duly executed or issued by such committee or by the Minister as the case may be. Certain documents to be evidence.

24. Every decision and order of the Railway Committee shall be considered as made known to the company by a notice thereof, signed by the chairman and the secretary of the committee or by either of them and delivered to the president, vice-president, managing director, secretary or superintendent of the company, or at the office of the company; and every order of the Minister or of the inspecting engineer shall be deemed to be made known to the company by a notice thereof, signed respectively by the Minister or the engineer, and delivered as above mentioned. Promulgation of order of committee. And of minister or inspecting engineer.

25. Every company shall, as soon as possible after the receipt of any order or notice of the Railway Committee or the Minister or the inspecting engineer, give cognizance thereof to each of its officers and servants, by delivering a copy to him, or by posting up a copy thereof in some place where his work or his duties, or some of them, are to be performed. Publication to be afforded by the company.

INSPECTING ENGINEERS.

26. Every company, and the officers and directors thereof, shall afford to any inspecting engineer such information Information to be afforded to inspecting engineer.

as is within their knowledge and power in all matters inquired into by him, and shall submit to such inspecting engineer all plans, specifications, drawings and documents relating to the construction, repair or state of repair of the railway or any portion thereof.

Engineer to be conveyed by company, &c.

27. Every such inspecting engineer shall have the right, while engaged in the business of such inspection, to travel without charge on any of the ordinary trains running on the railway, and to use the telegraph wires and machinery in the offices of or under the control of any such company.

Telegraph operators to obey his orders.

28. The operators or officers employed in the telegraph offices of or under the control of the company shall, without unnecessary delay, obey all orders of any such inspecting engineer for transmitting messages; and every such operator or officer who neglects or refuses so to do shall, for every such offence, be liable, on summary conviction, to a penalty of forty dollars.

Proof of his authority.

29. The production of instructions in writing, signed by the chairman of the Railway Committee and the secretary thereof or by either of them, or by the Minister, shall be sufficient evidence of the authority of such inspecting engineer.

Penalty for obstructing inspecting engineer.

30. Every person who wilfully obstructs any inspecting engineer in the execution of his duty is liable, on summary conviction, to a penalty not exceeding forty dollars; and in default of payment thereof forthwith, or within such time as the convicting justice or justices of the peace appoint, to imprisonment with or without hard labor for any term not exceeding three months.

INCORPORATION.

Companies to have corporate powers.

31. Every company incorporated under a special Act shall be a body corporate, under the name declared in the special Act, and shall be vested with all such powers, privileges and immunities as are necessary to carry into effect the intention and objects of this Act and of the special Act, and which are incident to such corporation, or are expressed or included in "*The Interpretation Act*,"

OFFICES OF COMPANY.

Offices of the company.

32. The head office of the company shall be in the place designated in the special Act; but the board of directors may establish one or more offices in other places in Canada or elsewhere.

PROVISIONAL DIRECTORS AND THEIR POWERS.

33. The persons mentioned by name as such in the special Act are hereby constituted provisional directors of the company, and of such provisional directors a majority shall be a quorum, and the said provisional directors shall hold office as such until the first election of directors, and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed, and cause plans and surveys to be made, and deposit in any chartered bank of Canada moneys received by them on account of stock subscribed,—which moneys shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the Company for any cause whatsoever.

Provisional directors and their powers.

Moneys deposited to be withdrawn for certain purposes only.

34. If more than the whole stock has been subscribed the provisional directors shall allocate and apportion the authorized stock among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking.

Allocation of stock.

CAPITAL.

35. The capital stock of the company, the amount of which shall be stated in the Special Act, shall be divided into shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of the special Act, and for making the surveys, plans and estimates of the works authorized by the Special Act; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of the undertaking.

Capital stock and shares.

Application thereof.

36. So soon as twenty-five per cent., of the capital has been subscribed, and ten per cent. of the amount subscribed has been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the company at the place where the head office is situate, at such time as they think proper,—giving the notice prescribed by section forty-one of this Act,—at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them shall, from the shareholders possessing the qualifications hereinafter mentioned, elect the number of directors prescribed by the special Act.

First meeting of shareholders.

Notice thereof.

Election of directors.

37. The original capital stock of any company may, with the approval of the Governor in Council, be increased, from time to time, to any amount, if such increase is sanctioned by a vote, in person or by proxy, of the shareholders who

How capital stock may be increased.

hold at least two-thirds in amount of the subscribed stock of the company, at a meeting expressly called by the directors for that purpose, by a notice in writing to each shareholder, delivered to him personally, or properly directed to him and deposited in the post office at least twenty days previously to such meeting, stating the time, place and object of such meeting, and the amount of the proposed increase; and the proceedings of such meeting shall be entered in the minutes of the proceedings of the company, and thereupon the capital stock may, with such approval, be increased to the amount sanctioned by such vote.

Entry on minutes.

When and how municipal corporations may take stock.

Representation of corporations.

38. Municipal corporations in any Province in Canada duly empowered so to do by the laws of the Province, and subject to the limitations and restrictions in such laws prescribed, may subscribe for any number of shares in the capital stock of the company; and the mayor, warden, reeve or other head officer of any such corporation holding stock to the amount of twenty thousand dollars, or upwards, shall be *ex officio* one of the directors of the company in addition to the number of directors authorized by the special Act, unless in such special Act provision is made for the representation of such corporation on the board thereof.

Paid up stock may be issued in certain cases.

39. The directors of the company elected by the shareholders may make and issue, as paid up stock, shares in the company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers; and such issue and allotment of stock shall be binding on the company, and such stock shall not be assessable for calls.

MEETINGS OF SHAREHOLDERS.

Annual meetings.

40. A general meeting of the shareholders for the election of directors and for the transaction of other business connected with or incident to the undertaking, to be called "the annual meeting," shall be held annually on the day mentioned in the special Act; and other general meetings, to be called "special meetings," may be called at any time by the directors, or by shareholders representing at least one-fourth in value of the subscribed stock, if the directors, having been requested by such shareholders to convene such special meeting, for twenty-one days thereafter fail to call such meeting:

Special meetings.

Where to be held.

2. All general meetings whether annual or special shall be held at the head office of the company.

Notice of meetings.

41. At least four weeks' public notice of any meeting shall be given by advertisement published in the *Canada Gazette*, and in at least one newspaper published in the place

where the head office is situate,—in which notice shall be specified the place and the day and the hour of meeting ; all such notices shall be published weekly, and a copy of such *Gazette* containing such notice shall, on production thereof, be evidence of the sufficiency of such notice. Evidence.

42. Any business connected with or incident to the undertaking may be transacted at an annual meeting, excepting such business as by this Act or the Special Act is required to be transacted at a special meeting ; but no special meeting shall enter upon any business not set forth in the notice upon which it is convened. What business may be transacted.

43. The number of votes to which each shareholder shall be entitled, on every occasion when the votes of the shareholders are to be given, shall be in the proportion of the number of shares held by him, and on which all calls due have been paid. Votes on shares.

44. Every shareholder, whether resident in Canada or elsewhere, may vote by proxy, if he sees fit, and if such proxy produces from his constituent an appointment in writing, in the words or to the effect following, that is to say :— Shareholders may vote by proxy.

I, _____, of _____, one of the shareholders of the _____, do hereby appoint _____, of _____, to be my proxy, and in my absence, to vote or give my assent to any business, matter or thing relating to the undertaking of the said _____ that is mentioned or proposed at any meeting of the shareholders of the said company, in such manner as he, the said _____ thinks proper. In witness whereof, I have hereunto set my hand and seal, the _____ day of _____ in the year _____ Form of proxy.

45. The votes by proxy shall be as valid as if the constituents had voted in person ; and every matter or thing proposed or considered at any meeting of the shareholders shall be determined by the majority of votes and proxies then present and given ; and all decisions and acts of any such majority shall bind the company and be deemed the decisions and acts of the company. Votes by proxy valid.
Majority to govern.

PRESIDENT AND DIRECTORS.

46. A board of directors of the company to manage its affairs, the number of whom shall be stated in the special Act, and a majority of whom shall form a quorum, shall be chosen at the annual meeting ; and if such election is not held on the day appointed therefor, the directors shall cause such election to be held at a special meeting duly called for that purpose within as short a delay as possible after the day so appointed. Election of board of directors.

As to votes at
adjourned
meeting.

47. No person shall vote on such subsequent day except those who would have been entitled to vote if the election had been held on the day when it should have been held.

Vacancies,
how filled.

48. Vacancies in the board of directors shall be filled in the manner prescribed by the by-laws.

Qualification
of director.

49. No person shall be a director unless he is a shareholder, owning twenty shares of stock absolutely in his own right, and has paid all calls due thereon, and is qualified to vote for directors at the election at which he is chosen.

Term of office.

50. The directors appointed at the last election, or those appointed in their stead in case of vacancy, shall remain in office until the next ensuing election of directors.

Vacancies by
death, &c.,
how filled.

51. In case of the death, absence or resignation of any of the directors, others may, unless otherwise prescribed by the by-laws, be appointed in their stead by the surviving directors; but if such appointment is not made, such death, absence or resignation shall not invalidate the acts of the remaining directors.

President.

52. The directors shall, at their first or at some other meeting after the election, elect one of their number to be the president of the company, who shall always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or until another president has been elected in his stead; and they may, in like manner, elect a vice-president, who shall act as chairman in the absence of the president.

Vice-president.

Quorum.

53. The directors, at any meeting at which not less than a quorum are present, shall be competent to use and exercise all and any of the powers vested in the directors.

Acts of majority binding.

54. The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors.

Votes of directors.

55. No director shall have more than one vote except the chairman, who shall, in case of a division of equal numbers, have the casting vote.

Directors subject to shareholders and by-laws.

56. The directors shall be subject to the examination and control of the shareholders at their annual meetings, and shall be subject to all by-laws of the company, and to the orders and directions from time to time made or given at the annual or special meetings; but such orders and directions shall not be contrary to any express directions or provisions of this Act or of the special Act.

57. No person who holds any office, place or employment in, or who is concerned or interested in any contract under or with the company, or is surety for any contractor, shall be capable of being chosen a director, or of holding the office of director, nor shall any person who is a director of the company enter into, or be directly or indirectly, for his own use and benefit, interested in any contract with the company, other than a contract which relates to the purchase of land necessary for the railway, or be or become a partner of or surety for any contractor with the company.

Disability of officers, contractors and sureties.

58. The directors shall make by-laws for the management and disposition of the stock, property, business and affairs of the company, not inconsistent with the laws of Canada, and for the appointment of all officers, servants and artificers, and prescribing their respective duties.

By-laws to be made.

59. The directors shall, from time to time, appoint such officers as they deem requisite, and shall take sufficient security, by one or more bonds, or by the guarantee of any society or joint stock company incorporated and empowered to grant guarantees, bonds, covenants or policies for the integrity and faithful accounting of persons occupying positions of trust, or for other like purposes, as they deem expedient, from the managers and officers for the time being, for the safe keeping and accounting for by them respectively of the moneys raised by virtue of this Act and the special Act, and for the faithful execution of their duties, as the directors think proper.

Appointment of officers and security to be given by them.

60. In case of the absence or illness of the president, the vice-president shall have all the rights and powers of the president, and may sign all notes, bills, debentures and other instruments, and perform all acts which, by the regulations and by-laws of the company, or by the special Act, are required to be signed, performed and done by the president.

When vice-president shall act.

61. The directors may, at any meeting of directors, require the secretary to enter such absence or illness among the proceedings of such meeting; and a certificate thereof, signed by the secretary, shall be delivered to any person requiring the same, on payment to the treasurer of one dollar, and such certificate shall be taken and considered as *prima facie* evidence of such absence or illness, at and during the period in the said certificate mentioned, in all proceedings in courts of justice or otherwise.

Absence of president may be entered on minutes, &c.

62. The directors shall cause to be kept and, annually, on the thirtieth day of June, to be made up and balanced, a true, exact and particular account of the moneys collected and received by the company or by the directors or managers thereof, or otherwise for the use of the company, and of

Annual statement to be prepared.

the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or the directors.

CALLS.

Calls and notice thereof.

63. The directors may, from time to time, make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary; and at least thirty days' notice shall be given of each call,—and no call shall exceed the amount prescribed in the special Act, or be made at a less interval than two months from the previous call,—nor shall a greater amount be called in, in any one year, than the amount prescribed in the special Act; but nothing herein contained shall prevent the directors from making more than one call by one resolution of the board: Provided, that the intervals between such calls, the notices of each call, and the other provisions of this Act and of the special Act, in respect of calls, are duly observed and given.

More than one call by one resolution.
Proviso.

Publication of notice of call.

64. All notices of calls upon the shareholders of the company shall be published as provided by section forty-one of this Act, and a copy of the *Gazette* therein mentioned shall, on production thereof, be evidence of the sufficiency of such notice.

Payment of calls.

65. Every shareholder shall be liable to pay the amount of the calls so made in respect of the shares held by him, to the persons and at the times and places, from time to time appointed by the company or the directors.

Interest on overdue calls.

66. If, on or before the day appointed for payment of any call, any shareholder does not pay the amount of such call, he shall be liable to pay interest for the same, at the rate of six per centum per annum, from the day appointed for the payment thereof to the time of the actual payment.

Recovery by suit.

67. If, at the time appointed for the payment of any call, any shareholder fails to pay the amount of the call, he may be sued for the same in any court of competent jurisdiction, and the same shall be recoverable, with lawful interest from the day on which the call became payable.

What allegations only necessary in suits for calls.

68. In any action or suit to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more, upon one share or more, stating the number and amount of each of such calls, whereby an action has accrued to the company.

DIVIDENDS AND INTEREST.

69. At the annual meeting of the shareholders of the company, a dividend may be declared out of the net profits of the undertaking. Declaration of dividend.

70. Such dividend shall be at and after the rate of so much per share upon the several shares held by the shareholders in the stock of the company, as such meeting thinks fit to appoint or determine. Rate of dividend.

71. No dividends shall be declared whereby the capital of the company is in any degree reduced or impaired, or be paid out of such capital, nor shall any dividend be paid, in respect of any share, after a day appointed for payment of any call for money in respect thereof, until such call has been paid; but the directors may, in their discretion, until the railway is completed and opened to the public, pay interest at any rate not exceeding six per centum per annum, on all sums called up in respect of the shares, from the respective days on which the same have been paid; and such interest shall accrue and be paid at such times and places as the directors appoint for that purpose. Dividend not to impair capital, &c.
But interest may be paid on certain sums.

72. No interest shall accrue to any shareholder in respect of any share upon which any call is in arrear, or in respect to any other share held by such shareholder while such call remains unpaid. No interest on share in arrear.

SHARES.

73. Shares in the company may, by the holders thereof, be sold and transferred by instrument in writing, made in duplicate,—one part of which shall be delivered to the directors, to be filed and kept for the use of the company, and an entry whereof shall be made in a book to be kept for that purpose; and no interest or dividend on the shares transferred shall be paid to the purchaser until such duplicate is so delivered, filed and entered. Shares may be transferred.

74. Transfers, except in the case of fully paid up shares, shall be in the form following or to the like effect, varying the names and descriptions of the contracting parties as the case requires, that is to say :—

I, A. B., in consideration of the sum of _____, paid to me by C. D., hereby sell and transfer to him _____ share (or shares) of the stock of the _____, to hold to him, the said C. D., his heirs, executors, administrators and assigns (or successors and assigns, as the case may be), subject to the same rules and orders and on the same conditions that I held the same immediately before the execution hereof. And I, the said C. D., do hereby agree to accept of the said

Form of transfer.

share (or shares) subject to the same rules, orders and conditions. Witness our hands this day of in the year 18 .

As to paid-up shares.

2. In the case of fully paid shares the transfer may be in such form as is prescribed by by-law of the company.

Shares personal property, &c.

75. The stock of the company shall be personal property ; but no shares shall be transferable until all previous calls thereon have been fully paid up, or until the said shares have been declared forfeited for the non-payment of calls thereon ; and no transfer of less than a whole share shall be valid.

Transmission otherwise than by transfer.

76. If any share in the capital stock of the company is transmitted by the death, bankruptcy or last will, donation or testament, or by the intestacy, of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the person to whom such share is transmitted shall deposit in the office of the company a statement in writing, signed by him, which shall declare the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as are necessary ; and without such proof the person to whom the share is so transmitted, as aforesaid, shall not be entitled to receive any part of the profits of the company, or to vote in respect of any such share as the holder thereof.

Company not bound to see to trusts, &c.

77. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any share is subject ; and the receipt of the person in whose name any share stands in the books of the company, or if it stands in the name of more than one person the receipt of one of the persons named in the register of shareholders in respect thereof, shall, from time to time, be a sufficient discharge to the company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share is then subject, and whether or not the company has had notice of the trust ; and the company shall not be bound to see to the application of the money paid upon such receipt.

Certificate of proprietorship to be evidence.

78. The certificate of proprietorship of any share shall be admitted in all courts as *prima facie* evidence of the title of any shareholder, his executors, administrators or assigns, or successors and assigns, as the case may be, to the share therein specified.

Sale without certificate.

79. The want of such certificate shall not prevent the holder of any share from disposing thereof.

80. Every person who neglects or refuses to pay a ratable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit to the company, for the benefit thereof, his shares in the company, and all the profit and benefit thereof.

Penalty for refusal to pay calls.

81. No advantage shall be taken of the forfeiture unless the shares are declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture has been incurred.

When only forfeiture may be taken advantage of.

82. Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting, against all actions, suits or prosecutions whatsoever commenced or prosecuted for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the undertaking.

Effect of forfeiture as to liability.

83. The directors may sell, either by public auction or private sale, and in such manner and on such terms as to them seem meet, any shares so declared to be forfeited, or any unissued shares, or may pledge such shares for the payment of loans or advances made or to be made thereon, or for the payment of any sums of money borrowed by or advanced to the company: Provided that authority for such purpose and for the issue of the stock be first given at a special general meeting of the shareholders called for the purpose.

Forfeited shares may be sold.

Proviso: authority to be obtained.

84. A certificate of the treasurer of the company that the forfeiture of the shares was declared, shall be sufficient evidence of the fact, and of their purchase by the purchaser; and such certificate, with the receipt of the treasurer for the price of such shares, shall constitute a good title to the shares; and the certificate shall be, by the said treasurer, registered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the books required to be kept by the by-laws of the company; and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money,—and his title to such shares shall not be affected by any irregularity in the proceedings in reference to such sale; and any shareholder may purchase any shares so sold.

Certificate of treasurer to be evidence of forfeiture and of title of purchaser.

85. Any shareholder who is willing to advance the amount of his shares, or any part of the money due upon his shares beyond the sums actually called for, may pay the same to the company,—and upon the principal moneys so paid in advance, or so much thereof as, from time to time, exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the company may pay such

Interest on sums paid in advance.

Proviso. such interest, at the lawful rate of interest for the time being, as the shareholders, who pay such sum in advance, and the company agree upon; but such interest shall not be paid out of the capital subscribed.

Liability of shareholders. **86.** Every shareholder shall be individually liable to the creditors of the company for the debts and liabilities of the company, to an amount equal to the amount unpaid on the stock held by him, and until the whole amount of his stock has been paid up; but no such shareholder shall be liable to an action in respect of his said liability until an execution at the suit of the creditor against the company has been returned unsatisfied in whole or in part.

Aliens to have equal rights. **87.** All shareholders in the company, whether British subjects or aliens, or resident in Canada or elsewhere, shall have equal rights to hold stock in the company and to vote on the same and shall be eligible to office in the company.

Record of shareholders. **88.** A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book, which shall be kept for that purpose, and which shall be open to the inspection of the shareholders.

LIMITATION OF TIME.

Time for construction limited. **89.** If the construction of the railway is not commenced, and fifteen per cent. on the amount of the capital stock is not expended thereon within two years after the passing of the Act authorizing the construction of the railway, or if the railway is not finished and put in operation in seven years from the passing of such Act, then the powers granted by such Act or by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

GENERAL POWERS.

Powers. **90.** The company may, subject to the provisions in this and the special Act contained:—

To enter lands for surveys, &c. (a.) Enter into and upon any lands of Her Majesty without previous license therefor, or into and upon the lands of any person whomsoever, lying in the intended route or line of the railway; and make surveys, examinations or other necessary arrangements on such lands for fixing the site of the railway, and set out and ascertain such parts of the lands as are necessary and proper for the railway;

To receive grants of land, &c. (b.) Receive, take and hold all voluntary grants and donations of lands or other property or any bonus of money or debenture, or other benefit of any sort, made to it for the purpose of aiding in the construction, maintenance and accommodation of the railway; but the same shall be held and used for the purpose of such grants or donations only;

(c.) Purchase, take and hold of and from any person, any lands or other property necessary for the construction, maintenance, accommodation and use of the railway, and also alienate, sell or dispose of so much thereof as is not necessary for the purposes of the railway ;

To purchase and sell land.

(d.) Make, carry or place the railway across or upon the lands of any person on the located line of the railway, or within one mile thereof, or within such further distance from such line as is prescribed in the special Act ;

To carry railway across lands.

(e.) Fell or remove any trees which stand within six rods from either side of the railway or which are liable to fall across the railway track ;

To fell trees.

(f.) Cross, intersect, join and unite the railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purposes of such connection ;

To cross, &c., other railways.

(g.) Make or construct in, upon, across, under or over any railway, tramway, river, stream, watercourse, canal or highway which it intersects or touches, temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings and fences ;

To make bridges, tunnels, &c.

(h.) Divert or alter, as well temporarily as permanently, the course of any such river, stream, watercourse or highway, or raise or sink the level thereof in order the more conveniently to carry the same over, under or by the side of the railway ;

To divert streams, &c.

(i.) Make drains or conduits into, through or under any lands adjoining the railway, for the purpose of conveying water from or to the railway ;

To make drains or conduits.

(j.) Divert or alter the position of any water-pipe, gas-pipe, sewer or drain, or any telegraph, telephone or electric light wire or pole ;

To alter position of gas or water pipe, &c.

(k.) Make, complete, alter and keep in repair the railway, with one or more sets of rails or tracks, to be worked by the force and power of steam or of electricity or of the atmosphere, or of animals, or by mechanical power, or by any combination of them ;

To make and maintain railway.

(l.) Erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and construct, purchase and acquire stationary or locomotive engines and carriages, waggons, floats and other machinery necessary for the accommodation and use of the passengers, freight and business of the railway ;

To erect buildings, &c.

(m.) Construct or acquire electric telegraph and telephone lines for the purposes of its undertaking ;

Telegraph and telephone lines.

(n.) Make branch railways, if required and provided for by this or the special Act, and manage the same, and for that purpose exercise all the powers, privileges and authorities necessary therefor, in as full and ample a manner as for the railway ;

To make branch railways.

To convey
persons and
goods.

(o.) Take, transport, carry and convey persons and goods on the railway, regulate the time and manner in which the same shall be transported, and the tolls and compensation to be paid therefor, and receive such tolls and compensation ;

To alter
works.

(p) From time to time alter, repair or discontinue the before mentioned works or any of them, and substitute others in their stead ;

To do all
things neces-
sary.

(q.) Do all other acts necessary for making, maintaining, altering or repairing, and using the railway.

Company to
restore
stream, &c.,
to former,
state.

91. The company shall restore as nearly as possible to its former state any river, stream, watercourse, highway, water-pipe, gas-pipe, sewer or drain, or any telegraph, telephone or electric light wire or pole which it diverts or alters, or it shall put the same in such a state as not materially to impair its usefulness.

Compensa-
tion for dam-
age done.

92. The company shall, in the exercise of the powers by this or the special Act granted, do as little damage as possible, and shall make full compensation, in the manner herein and in the special Act provided, to all parties interested, for all damage by them sustained by reason of the exercise of such powers.

POWER TO BORROW MONEY.

Issue of
bonds, &c.,
authorized.

93. The directors of the company, under the authority of the shareholders, to them given at any special general meeting, called for the purpose in the manner provided by section forty-one of this Act, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act and the special Act contained, issue bonds, debentures or other securities signed by the president or other presiding officer and countersigned by the secretary, which counter-signature and the signature to the coupons attached to the same may be engraved ; and such bonds, debentures or other securities may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding six per cent. per annum, as the directors think proper :

When they
may be made
payable.

Disposal of
bonds, &c.

2. The directors may issue and sell or pledge all or any of the said bonds, debentures, or other securities, at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking :

Amount of
bond, &c.

3. No such bond, debenture or other security shall be for a less sum than one hundred dollars :

4. The power of issuing bonds conferred upon the company hereby or under the special Act shall not be construed as being exhausted by such issue ; but such power may be exercised, from time to time, upon the bonds constituting such issue being withdrawn or paid off and duly cancelled ; but no bonds or debentures shall be issued until twenty per centum of the cost has been actually expended on the work ; and the limit to the amount of bonds, debentures or other securities fixed in the special Act shall not be exceeded.

Extent of borrowing power.

94. The company may secure such bonds, debentures, or other securities, by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed ; but such rents and revenues shall be subject in the first instance to the payment of any penalty imposed for non-compliance with the requirements of this Act respecting returns to be made to the Minister, and next to the payment of the working expenditure of the railway :

Mortgage deed to secure bonds, &c.

Penalties and working expenditure to be a first charge.

2. By the said deed the company may grant to the holders of such bonds, debentures, or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures, or other securities, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be ; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided :

Powers which may be granted by deed.

Validity of deed.

3. Every such mortgage deed shall be deposited in the office of the Secretary of State of Canada—of which deposit notice shall be given by the company in the *Canada Gazette*.

Deposit of deed.

95. The bonds, debentures, or other securities, hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section :

Bonds, &c., to be a preferential claim on the undertaking.

2. Each holder of the said bonds, debentures, or other securities, shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro ratâ* with all the other holders ; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures, or other securities, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

Holder to be a mortgagee.

Powers of holders in case of non-payment.

96. If the company makes default in paying the principal of or interest on any of the bonds, debentures or other securities, hereby authorized, at the time when the same, by the terms of the bond, debenture, or other security, becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of bonds, debentures or other securities, so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid-up shares of the company to a corresponding amount:

Rights of holders defined.

2. The rights given by this section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security, in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon; and the company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares:

Registration.

Certain rights not affected.

3. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed.

Transfer of bonds, &c.

97. All bonds debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Promissory notes may be issued.

98. The company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars; and every such note or bill made, drawn, accepted or indorsed by the president or vice-president of the company, or other officer authorized by the by-laws of the company, and counter-signed by the secretary, shall be binding on the company; and every such note or bill of exchange so made, drawn, accepted or indorsed, shall be presumed to have been made, drawn, accepted or indorsed with proper authority until the contrary is shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary or other officer so authorized be individually responsible for the same, unless such promissory note or bill has been issued without proper authority; but nothing in this section shall be construed to authorize the company to issue any note or bill payable to bearer, or intended

No seal required.

Notes not to be payable to bearer.

intended to be circulated as money or as the note or bill of a bank.

POWER TO TAKE OR USE LAND AND MATERIALS DEFINED AND LIMITED.

99. No company shall take possession of, use or occupy any lands vested in Her Majesty, without the consent of the Governor in Council; but with such consent, any such company may, upon such terms as the Governor in Council prescribes, take and appropriate, for the use of its railway and works, but not alienate, so much of the lands of the Crown lying on the route of the railway as have not been granted or sold, and as is necessary for such railway, as also so much of the public beach, or of the land covered with the waters of any lake, river, stream or canal, or of their respective beds, as is necessary for making and completing and using its said railway and works; and whenever any such lands are vested in Her Majesty for any special purpose, or subject to any trust, the compensation money which the company pays therefor shall be held or applied by the Governor in Council for the like purpose or trust.

As to lands vested in Her Majesty.

Lands vested in Her Majesty for special purposes.

100. Whenever it is necessary for such company to occupy any part of the lands belonging to Her Majesty reserved for naval or military purposes, it shall first apply for and obtain the license and consent of Her Majesty, under the hand and seal of the Governor General, and having obtained such license and consent, it may, at any time or times, enter into and enjoy any of the said lands for the purposes of the railway; but in the case of any such naval or military reserves, no such license or consent shall be given except upon a report first made thereupon by the naval or military authorities in which such lands are for the time being vested, approving of such license and consent being so given.

As to lands reserved for military or naval purposes.

Consent of proper authority.

101. No company shall take possession of or occupy any portion of any Indian reserve or lands without the consent of the Governor in Council; and when, with such consent, any portion of any such reserve or lands is taken possession of, used or occupied by any company, or when the same is injuriously affected by the construction of any railway, compensation shall be made therefor, as in other cases.

As to Indian lands.

102. A company may, for the purpose of obtaining a right of way over or through lands owned or occupied by any other company, and for obtaining the use of the tracks, stations or station grounds of another company, or for the purpose of constructing and operating its railway, take possession of, use or occupy any lands belonging to any other

As to lands of other companies, &c.

Orders may
be made in
such case.

Certain provi-
sions to apply.

other railway company, with the approval of the Railway Committee, which approval such committee may give on any application of which such other company has, in the opinion of the committee, had reasonable notice. On any such application, the Railway Committee may make such orders and give such directions as to it appears just or in the public interest; and all the provisions of the law at any time applicable to the taking of lands and their valuation and the compensation therefor, and appeals from awards thereon, shall apply to such lands.

Extent of land
that may be
taken.

103. The lands which may be taken without the consent of the owner thereof shall not exceed thirty-three yards in breadth, but in places where the railway is raised more than five feet higher or cut more than five feet deeper than the surface of the line, or where offsets are established, or where stations, depots or fixtures are intended to be erected, or goods to be delivered, the lands which may be taken without the consent of the owner shall not be more than six hundred and fifty yards in length by one hundred yards in breadth, except where more ample space for the accommodation of the public, or of the traffic on the railway, or for protection against snow drifts is required—in which cases such greater quantity of land or land covered with water may be taken, as the Minister authorizes.

Exception.

Extra land to
be shown on
map or plan.

104. The places at which such extra breadth is to be taken shall be shown on the map or plan, so far as the same are then ascertained, but the fact of their not being so shown shall not prevent such extra breadth from being taken, if it is taken upon the line shown, or within one mile thereof, or within such further distance from such line as is prescribed in the special Act.

Public beach,
&c.

105. The extent of the public beach, or of the land covered with the waters of any river or lake in Canada, taken for the railway, shall not exceed the quantity hereinbefore limited.

Proceedings
for obtaining
extra land for
certain pur-
poses.

106. Whenever any company requires, at any place on the line of its railway, more ample space for the convenient accommodation of the public or of the traffic on the railway, or for protection against snow drifts, than it then possesses or can take without the consent of the owners thereof, the company may cause a map or plan and book of reference to be made of the additional lands required at such place for the purposes aforesaid.

Application
to the Minis-
ter.

107. The company may transmit the map or plan and the book of reference to the Minister with an application, on behalf of the company, supported by affidavit, referring to such map or plan and book of reference and stating that

certain lands shown therein are necessary for such purposes, and that no other land suitable for such purposes can be acquired at such place on reasonable terms and with less injury to private rights, and requesting the Minister to authorize the taking thereof for such purposes under this Act.

108. At least ten days' notice of such application shall be given to the owner or possessor of such property; and the correctness of the map or plan and book of reference, and the truth of the allegations in such application shall be certified by the president or one of the directors of the company, and by its engineer, and such map or plan and book of reference and statement shall be made and transmitted to the Minister in duplicate.

Notice to owner and certificate to be transmitted to Minister.

109. The Minister shall inquire into the correctness of the map or plan and book of reference and the truth of the allegations of such application, and, if he is satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary in the public interest that the land shown on such map or plan and book of reference or any less quantity, should be acquired by the company; and such certificate shall be annexed to one of the duplicates of the said map or plan and book of reference and statement, and the other duplicate shall remain at the department.

Minister may grant the application after inquiry.

110. A copy of the duplicate of such map or plan and book of reference and statement and of such certificate shall be deposited in the office of the registrar of deeds for the county or district in which the lands lie.

Deposit of copy of plan, &c.

111. Upon the granting of such certificate, and by virtue thereof, the company may, without the consent of the owners, take the land shown on such map or plan and book of reference as required for such purposes; and the company and all persons who could not otherwise convey the same to the company, shall have, with respect to any such land, all the powers granted by this Act to companies and persons who could not otherwise convey the same, with respect to lands which may be taken without the consent of the owners thereof; and all the provisions of law at any time applicable to the taking of land by the company and its valuation and the compensation therefor shall apply to the lands mentioned in such certificate.

Powers of company on the granting of certificate.

112. The company, either for the purpose of constructing or repairing its railway, or for the purpose of carrying out the requirements of the Railway Committee, or in the exercise of the powers conferred upon it by the Railway Committee, may enter upon any land which is not more than two hundred yards distant from the centre of the located line of

Lands may be acquired for constructing or repairing railway.

Deposit in
such case.

the railway, and may occupy the said land as long as is necessary for the purposes aforesaid; and all the provisions of law at any time applicable to the taking of land by the company, and its valuation, and the compensation therefor, shall apply to the case of any land so required; but before entering upon any land for the purposes aforesaid, the company shall, in case the consent of the owner is not obtained, pay into the office of one of the superior courts for the Province in which the land is situated, such sum, with interest thereon for six months, as is, after two clear days' notice to the owner of the land, or to the person empowered to convey the same, or interested therein, fixed by a judge of any one of such superior courts.

Power to take
materials for
construction.

113. Whenever stone, gravel, earth, sand or water is required for the construction or maintenance of any railway or any part thereof, the company may, if it cannot agree with the owner of the land on which the same are situated, for the purchase thereof, cause a land surveyor, duly licensed to act as such in the Province, district, or county or an engineer to make a map and description of the property so required, and it shall serve a copy thereof, with its notice of arbitration as in the case of acquiring the roadway; and all the provisions of this Act respecting expropriation of lands shall apply to the subject matter of this section, and to the obtaining materials, as aforesaid; and such proceedings may be had by the company, either for the right to the fee simple in the land from which the material is taken, or for the right to take material for any time it thinks necessary,—and the notice of arbitration, if arbitration is resorted to, shall state the interest and powers required.

Notice in case
of arbitration.

Power to
make sidings,
conduits, &c.

114. Whenever any stone, gravel, earth, sand or water is so taken at a distance from the line of the railway, the company may lay down the necessary sidings, water pipes or conduits and tracks, over or through any lands intervening between the railway and the land on which such material or water is found, whatever is the distance, and all the provisions of this Act, except such as relate to the filing of plans and publication of notice, shall apply, and the powers thereby granted may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be acquired for a term of years or permanently, as the company thinks proper; and the powers in this and the next preceding section contained may, at all times, be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the railway.

Maintenance
and repair of
railway.

If the whole
parcel of land
can be pur-

115. Whenever, for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, main-

taining and using the railway, any land may be taken under the compulsory provisions of this Act, and by purchasing the whole of any lot or parcel of land over which the railway is to run, or of which any part may be taken under the said provisions, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the roadway line only, or only such part as aforesaid, the company may purchase, hold, use or enjoy the whole of such lot or parcel, and also the right of way thereto, if the same is separated from its railway, and may sell and convey the same, or any part thereof, from time to time, as it deems expedient; but the compulsory provisions of this Act shall not apply to the taking of any portion of such lot or parcel not necessary for the purposes aforesaid.

chased with advantage.

Compulsory provisions not to apply.

116. Every company may, on and after the first day of November, in each year, enter into and upon any lands of Her Majesty, or into and upon the lands of any person whomsoever, lying along the route or line of its railway, and may erect and maintain snow fences thereon, subject to the payment of such land damages, if any, as are thereafter established, in the manner provided by law with respect to such railway, to have been actually suffered; but every snow fence so erected shall be removed on or before the first day of April then next following.

Erection of snow fences,

And removal thereof.

POWERS RESPECTING LOCATION OF LINE, DEVIATIONS AND CHANGES DEFINED AND LIMITED.

117. No lateral deviation of more than one mile shall be made from the located line of the railway or from the places assigned thereto in the map or plan and book of reference, or profiles, except in such instances as are provided for in the special Act.

What deviation shall be allowed.

118. The railway may be made, carried or placed across or upon the lands of any person on the located line, or within the distance from such line as aforesaid, although the name of such person has not been entered in the book of reference, through error or any other cause, or although some other person is erroneously mentioned as the owner of or entitled to convey, or is interested in such lands.

As to error in name entered in book.

119. No company shall, without the authority of the Railway Committee, locate the line of its proposed railway, or of any branch thereof, so as to obstruct or interfere with or injuriously affect the working of, or the access or adit to any mine then open or for opening which preparations are, at the time of such location, being lawfully and openly made.

Mines to be protected.

120. Any company, which desires at any time to change the location of its line of railway in any particular part, for

Change in line of railway may be made.

the purpose of lessening a curve, reducing a gradient or otherwise benefiting such line of railway, or for any other purpose of public advantage, may with the approval of the Railway Committee make such change; and all the provisions of this Act shall refer as fully to the part of such line of railway so at any time changed or proposed to be changed, as to the original line; but no company shall extend its line of railway beyond the termini mentioned in the special Act.

No change of terminus.

POWER TO CONSTRUCT BRANCH LINES DEFINED AND LIMITED.

Power to construct branch lines for certain purposes.

Notice to be given.

Map or plan, &c.

Approval of Railway Committee.

Limitation of time.

Powers as to such branch lines.

121. Any company may, for the purpose of connecting any city, town, village, manufactory or mine, or any quarry of stone or slate, or any well or spring, with the main line of the railway of the company, or with any branch thereof, or with any railway worked or leased by the company, or for the purpose of giving increased facilities to business, or for the purpose of transporting the products of any such manufactory, mine, quarry, well or spring, build, make and construct, and work and use, sidings, switches or branch lines of railway, not exceeding in any one case six miles in length; but such company shall not proceed to locate or build any branch line of more than one quarter of a mile in length, under this section, until public notice has been given, for six weeks, in some newspaper published in the county or counties through or in which such branch line is to be made, that it is the intention of the company to apply to the Railway Committee to sanction the building of such branch line, and the appropriation of the necessary lands for that purpose, under the compulsory powers vested in such company by this Act, or by any other Act in its behalf; nor unless the company has, prior to the first publication of such notice, deposited in the registry office of any city, county or part of a county, in which the line or any part thereof is to be constructed, a map or plan and book of reference indicating the location of the line; nor until the company has submitted the same to, and such map or plan and book of reference have been approved of by the Railway Committee, after the expiration of the said notice; and the order of the Railway Committee, approving such map or plan and book of reference shall limit the time, which shall not exceed two years from the date of such order, within which the company may construct such branch line.

122. Every such company may, for any such purpose, exercise all the powers given to it with respect to its main line, under this and the special Act; and each and every provision of such Acts which is applicable to such extension shall extend and apply to every such siding, switch or branch line of railway.

PLANS AND SURVEYS.

123. Surveys and levels shall be made and taken of the lands through which the railway is to pass, together with a map or plan and profile thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, as far as then ascertained; and a book of reference for the railway shall also be made, in which shall be set forth;—

Surveys and levels.

Map or plan and book of reference.

(a.) A general description of the said lands;

(b.) The names of the owners and occupiers thereof, as far as they can be ascertained; and—

(c.) Everything necessary for the right understanding of such map or plan and profile.

124. The map or plan and book of reference and profile may be made of sections of the railway, and shall be deposited at the department.

May be in sections, and to be deposited.

125. The map or plan and book of reference and profile shall be examined and certified by the Minister or by the deputy, and a duplicate thereof, so examined and certified, shall be deposited at the department; and the company shall deposit copies of such map or plan and book of reference and profile, or of such parts thereof as relate to each district or county through which the railway is to pass, in the offices of the registrars of deeds for such districts or counties respectively.

To be examined and certified and copies deposited.

126. Any person may resort to such copies, and make extracts therefrom or copies thereof, as occasion requires, paying to the registrar of deeds at the rate of ten cents for every hundred words.

Access to copies.

127. Such map or plan and book of reference and profile so certified, or a true copy thereof, or an extract therefrom, certified by the Minister or his deputy, or by any registrar of deeds, shall be evidence in any court of justice or elsewhere.

Certified copies to be evidence.

128. Any omission, mis-statement or erroneous description of such lands, or of the owners or occupiers thereof, in any map or plan or book of reference, may, after ten days' notice has been given to the owners of such lands, be corrected by two justices, on application made to them for that purpose; and if it appears to them that such omission, mis-statement or erroneous description arose from mistake, the justices shall certify the same accordingly.

Errors, how remedied.

129. The certificate shall state the particulars of any such omission, and the manner thereof, and shall be deposited with the registrars of deeds of the districts or counties, respectively.

Certificate relating thereto.

spectively, in which such lands are situate, and shall be kept by them together with the other documents to which it relates ; and thereupon such map or plan, or book of reference, shall be deemed to be corrected according to such certificate ; and the company may make the railway in accordance with the certificate.

Alterations
from original
survey.

130. If any alterations from the original plan or survey are intended to be made in the line or course of the railway, a map or plan and profile of such alterations on the same scale, and containing the same particulars as the original map or plan and profile, shall be deposited in the same manner as the original map or plan and profile, and copies of or extracts from such map or plan and profile, so far as they relate to the several districts or counties in or through which such alterations are intended to be made, shall be deposited with the registrars of deeds of such districts and counties.

Works not to
be proceeded
with until
map, &c., are
deposited.

131. Until such original map or plan and book of reference, and profile or the map or plan and profile of the alterations, have been so deposited, the construction of the railway, or of the part thereof affected by the alterations, as the case may be, shall not be proceeded with.

Custody of
copies by
registrars of
deeds.

132. The registrars of deeds shall receive and retain the copies of the original maps or plans and books of reference and profiles, and copies of the maps or plans and profiles of alterations, and extracts thereof respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies of and extracts from the same ; and every registrar of deeds who refuses so to do is liable, on summary conviction, for each offence to a penalty of four dollars.

Copies cer-
tified by
registrar to
be evidence.

133. The copies of the maps or plans and books of reference and profiles, or of any alterations or corrections thereof, or extracts therefrom, certified by the registrar of deeds, shall be received in all courts of justice and elsewhere as evidence of the contents thereof, and the registrar of deeds shall, when required so to do, give such certificate to any person interested.

Map of the
completed
railway to be
filed at the
department.

134. A map or plan and profile of the completed railway and of the land taken or obtained for the use thereof, shall, within six months after completion of the undertaking, be made and filed at the department, and maps or plans of the parts thereof, located in different districts and counties, shall be filed in the registry offices for the districts and counties in which such parts are respectively situate ; and every company which fails or neglects to file such maps or plans and profiles at the department or to file such maps or plans

Penalty for
neglect.

in such registry offices within the said period, shall incur a penalty of two hundred dollars, and a like penalty for each and every month during which such failure or neglect continues.

135. Every map or plan and profile shall be drawn on such a scale and on such paper as are, from time to time, designated for that purpose by the Minister, and shall be certified and signed by the president or engineer of the company.

Scale and paper.

LANDS AND THEIR VALUATION.

136. All tenants in tail or for life, *grevés de substitution*, guardians, curators, executors, administrators, trustees, and all persons whomsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other persons, seized, possessed of, or interested in any lands, may contract and sell and convey to the company all or any part thereof.

Conveyance to the company.

137. In all cases in which such persons have no right in law to sell or convey the rights of property of the said land, such persons shall obtain, from a judge, after due notice to the persons interested, the right to sell the said land; and the said judge shall give such orders as are necessary to secure the investment of the purchase money in such a manner as he deems necessary, in accordance with the law of the Province, to secure the interests of the owner of the said land.

Order of judge required in certain cases.

138. The powers herein conferred upon rectors in possession of glebe lands in the Province of Ontario, ecclesiastical and other corporations, trustees of land for church or school purposes, executors appointed by wills under which they are not invested with any power over the real property of the testator, administrators of persons dying intestate, but at their death seized of real property, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of a company.

Limitation of powers in certain cases.

139. Any contract, agreement, sale, conveyance and assurance so made hereunder shall be valid and effectual in law, to all intents and purposes whatsoever, and shall vest in the company receiving the same, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever; and the person so conveying is hereby indemnified for what he does by virtue of or in pursuance of this Act.

Effect of sale under preceding sections.

Seller indemnified.

140. The company shall not be responsible for the disposition of any purchase money for lands taken by it for its purposes.

Responsibility as to purchase money.

purposes, if paid to the owner of the land or into court for his benefit.

Effect of contracts made before deposit of map, &c.

141. Any contract or agreement made by any person authorized by this Act to convey lands, and made before the deposit of the map or plan and book of reference, and before the setting out and ascertaining of the lands required for the railway, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land has, in the meantime, become the property of a third person; and possession of the land may be taken and the agreement and price may be dealt with as if such price had been fixed by an award of arbitrators, as hereinafter provided, and the agreement shall be in the place of an award.

Fixed rent may be agreed upon in certain cases.

142. All persons who cannot, in common course of law, sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement, or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed.

Lien for the payment thereof.

143. For the payment of such annual rent and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the railway and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, except as to the charges created by section ninety-four of this Act, upon the deed creating such charge and liability being duly registered in the registry office of the proper district, county or registration division.

After ten days from deposit, application to owner.

144. After the expiration of ten days from the deposit of the map or plan and book of reference in the office of the registrar of deeds, and after notice thereof has been given in at least one newspaper, if there is any, published in each of the districts and counties through which the railway is intended to pass, application may be made to the owners of lands, or to persons empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the railway; and, thereupon, agreements and contracts may be made with such persons, touching the said lands or the compensation to be paid for the same, or for the damages or as to the mode in which such compensation shall be ascertained, as seems expedient to both parties; and in case of disagreement between them, or any of them, all

Arbitration in default of agreement.

questions which arise between them shall be settled as hereinafter provided.

145. The deposit of a map or plan and book of reference, and the notice of such deposit, shall be deemed a general notice to all the parties, of the lands which will be required for the railway and works ; and the date of such deposit shall be the date with reference to which such compensation or damages shall be ascertained.

Deposit to be
general
notice.

146. The notice served upon the party shall contain,—

(a.) A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, and describing the lands ;

Notice to the
party and
what it shall
contain.

(b.) A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages ;

(c.) The name of a person to be appointed as the arbitrator of the company, if its offer is not accepted.

147. Such notice shall be accompanied by the certificate of a sworn surveyor for the Province in which the lands are situated, or an engineer, who is a disinterested person and is not the arbitrator named in the notice, which certificate shall state,—

Certificate of
surveyor and
what it shall
state.

(a.) That the land, if the notice relates to the taking of land shown on the said map or plan, is required for the railway, or is within the limits of deviation hereby allowed ;

(b.) That he knows the land, or the amount of damage likely to arise from the exercise of the powers ; and—

(c.) That the sum so offered is, in his opinion, a fair compensation for the land and damage aforesaid.

148. If the opposite party is absent from the district or county in which the lands lie, or is unknown, an application for service by advertisement may be made to a judge.

Application
for service by
advertisement.
ment.

149. The application for service by advertisement shall be accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company that the opposite party is so absent, or that, after diligent inquiry, the person on whom the notice ought to be served cannot be ascertained ; and the judge shall order a notice as aforesaid, but without such certificate, to be inserted three times in the course of one month, in a newspaper published in the district or county, or if there is no newspaper published therein, then in a newspaper published in some adjacent district or county.

Certificate
and affidavit
to accompany
application.

Notice.

150. If, within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not give notice to the company that he accepts

Party not ac-
cepting offer
and not ap-
pointing arbi-
trator.

accepts the sum offered by it, or does not give notice to it of the name of a person whom he appoints as arbitrator, the judge shall, on the application of the company, appoint a person to be sole arbitrator for determining the compensation to be paid as aforesaid.

Appointment of arbitrator by party and of third arbitrator.

151. If the opposite party, within the time aforesaid, gives notice to the company of the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, the judge shall, on the application of the party or the company, after notice of at least six clear days having been given to the other party, appoint a third arbitrator.

Arbitrators to be sworn.

152. The arbitrators, or the sole arbitrator, as the case may be, shall be sworn before a justice of the peace for the district or county in which the lands lie, faithfully and impartially to perform the duties of their or his office, and shall proceed to ascertain such compensation in such way as they or he, or a majority of them, deem best; and the award of such arbitrators, or of any two of them, or of the sole arbitrator, shall be final and conclusive except as hereinafter provided; but no such award shall be made nor any official act be done by such majority, except at a meeting held at a time and place of which the other arbitrator has had at least two clear days' notice, or to which some meeting at which the third arbitrator was present had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required.

Their duties.

Increased value of remaining lands to be considered.

153. The arbitrators, in deciding on such value or compensation, shall take into consideration the increased value that will be given to any lands through or over which the railway will pass, by reason of the passage of the railway through or over the same, or by reason of the construction of the railway, and shall set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands as aforesaid.

Costs, by whom payable.

154. If by an award of arbitrators made under this Act the sum awarded exceeds the sum offered by the company, the costs of the arbitration shall be borne by the company; but if otherwise, they shall be borne by the opposite party, and be deducted from the compensation; and in either case the amount of such costs, if not agreed upon, may be taxed by the judge.

Witnesses.

155. The arbitrators, or a majority of them, or the sole arbitrator, shall examine on oath or solemn affirmation the parties,

parties, or such witnesses as appear before them or him, and shall administer such oath or affirmation :

2. The arbitrators shall take down the depositions of witnesses in writing, and after making their award shall forthwith deliver or transmit by registered letter, at the request of either party in writing the depositions, together with the exhibits referred to therein and all papers connected with the reference, except the award, to the clerk of a superior court in the province in which the lands are situated, to be filed with the records of the said court.

Evidence to be taken down in writing.

Transmission of record.

156. A majority of the arbitrators, at the first meeting after their appointment, or the sole arbitrator, shall fix a day on or before which the award shall be made ; and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by resolution of the arbitrators, then the sum offered by the company, as aforesaid, shall be the compensation to be paid by the company.

Time within which award is to be made.

157. If the sole arbitrator appointed by the judge, or any arbitrator appointed by the two arbitrators, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the sole arbitrator, the judge, upon the application of either party, and upon being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in the place of such sole arbitrator ; and in the case of any arbitrator appointed by one of the parties, the company and party respectively may each appoint an arbitrator in the place of its or his arbitrator so deceased or not acting ; and in the case of the third arbitrator appointed by the two arbitrators, the provisions of section one hundred and fifty-one shall apply ; but no recommencement or repetition of the previous proceedings shall be required in any case.

Vacancy in the office of arbitrator, how filled.

No re-commencement of proceedings.

158. In any case where the notice given improperly describes the land or material intended to be taken, or if the company decides not to take the land or material mentioned in the notice, it may abandon the notice and all proceedings thereunder, but shall be liable to the person notified for all damages or costs incurred by him in consequence of such notice and abandonment—such costs to be taxed in the same manner as costs after an award ; and the company may give to the same or any other person notice for other land or material or for land or material otherwise described, notwithstanding the abandonment of the former notice.

Company may desist on payment of costs.

New notice may be given.

159. The person offered or appointed as valuator, or as sole arbitrator, shall not be disqualified because he is professionally employed by either party, or has previously expressed

Valuator or arbitrator not disqualified unless per-

sonally inter-
ested.

expressed an opinion as to the amount of compensation, or because he is related or of kin to any shareholder of the company, if he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any arbitrator appointed by the judge after his appointment, but the objection shall be made before the appointment, and its validity or invalidity shall be summarily determined by the judge.

When dis-
qualification
must be
urged.

160. No cause of disqualification shall be urged against any arbitrator appointed by the company or by the opposite party after the appointment of a third arbitrator; and the validity or invalidity of any cause of disqualification urged against any such arbitrator, before the appointment of a third arbitrator, shall be summarily determined by the judge, on the application of either party, after two clear days' notice to the other, and if the cause is determined to be valid the appointment shall be null and void, and the party offering the person so adjudged to be disqualified shall be held not to have appointed an arbitrator.

Award not
avoided for
want of form.

161. No award shall be invalidated by reason of any want of form or other technical objection, if the requirements of this Act have been substantially complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; and the person to whom the sum is to be paid need not be named in the award:

Appeal to a
superior
court.

2. Whenever the award exceeds four hundred dollars, any party to the arbitration may within one month after receiving a written notice from any one of the arbitrators or the sole arbitrator, as the case may be, of the making of the award, appeal therefrom upon any question of law or fact to a superior court of the Province in which such lands are situate; and upon the hearing of the appeal the court shall, if the same is a question of fact, decide the same upon the evidence taken before the arbitrators, as in a case of original jurisdiction:

Practice and
proceedings
in such case.

3. Upon such appeal the practice and proceedings shall be as nearly as may be the same as upon an appeal from the decision of an inferior court to the said court, subject to any general rules or orders from time to time made by the judges of the said superior court in respect to such appeals, which orders may, amongst other things, provide that any such appeal may be heard and determined by a single judge:

Other reme-
dies not
affected.

4. The right of appeal hereby given shall not affect the existing law or practice in any Province as to setting aside awards.

Upon pay-
ment or ten-
der of sum

162. Upon payment or legal tender of the compensation or annual rent, so awarded or agreed upon, to the person

entitled to receive the same, or upon the payment into court of the amount of such compensation, in the manner herein-after mentioned, the award or agreement shall vest in the company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon; and if any resistance or forcible opposition is made by any person to its so doing, the judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the district or county, or to a bailiff, as he deems most suitable, to put down such resistance or opposition, and to put the company in possession; and the sheriff or bailiff shall take with him sufficient assistance for such purpose, and shall put down such resistance or opposition, and put the company in possession.

awarded possession may be taken.

Warrant of possession.

163. Such warrant may also be granted by the judge, without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands, or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the railway with which the company is ready forthwith to proceed.

Warrant of possession before award.

164. The judge shall not grant any warrant under the next preceding section unless ten days' previous notice of the time and place when and where the application for such warrant is to be made has been served upon the owner of the land or the person empowered to convey the land, or interested in the land sought to be taken, or which may suffer damage from the taking of materials sought to be taken, or the exercise of the powers sought to be exercised, or the doing of the thing sought to be done, by the company; and unless the company gives security to his satisfaction, by deposit in a chartered bank, designated by him, to the credit of the company and such person or party jointly, of a sum larger than his estimate of the probable compensation, and not less than fifty per cent. above the amount mentioned in the notice served under section one hundred and forty-six.

On what conditions such warrant may be granted.

Security to be given.

165. The costs of any such application to, and of any such hearing before the judge, shall be borne by the company, unless the compensation awarded is not more than the company had offered to pay; and no part of such deposit or of any interest thereon shall be repaid, or paid to such company, or paid to such owner or party, without an order from the judge, which he may make in accordance with the terms of the award.

Costs.

Payment on judge's order only.

166. The compensation for any lands which may be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against

Compensation to stand in the place of the land.

the company, be converted into a claim to the compensation or to a like proportion thereof; and the company shall be responsible accordingly, whenever it has paid such compensation, or any part thereof, to a person not entitled to receive the same, saving always its recourse against such person.

Payment of compensation into court in certain cases.

167. If the company has reason to fear any claims or incumbrances, or if any person to whom the compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the person entitled to claim the same cannot be found, or is unknown to the company, or if, for any other reason, the company deems it advisable, the company may, if the lands are situated elsewhere than in the Province of Quebec, pay such compensation into the office of the clerk or prothonotary of the court, with the interest thereon for six months, and may deliver to such clerk or prothonotary an authentic copy of the conveyance, or of the award or agreement, if there is no conveyance; and such award or agreement shall thereafter be deemed to be the title of the company to the land therein mentioned.

Notice to be published.

168. A notice in such form and for such time as the court appoints, shall be inserted in a newspaper, if there is any, published in the county in which the lands are situated, or if there is no newspaper published in the county, then in the official *Gazette* of the Province, if any, and also in a newspaper published in the nearest county thereto in which a newspaper is published, which shall state that the title of the company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the lands, or to any part thereof, or representing or being the husbands of any persons so entitled, to file their claims to the compensation, or any part thereof; and all such claims shall be received and adjudicated upon by the court, and the said proceedings shall forever bar all claims to the lands or any part thereof, including dower, as well as all mortgages or incumbrances upon the same; and the court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all persons interested, as to right and justice and to law appertains.

Claims to be adjudicated upon.

Distribution of compensation.

Costs.

169. The costs of the proceedings, in whole or in part, including the proper allowance to witnesses, shall be paid by the company, or by any other person, as the court orders; and if such order of distribution is obtained in less than six months from the payment of the compensation into court, the court shall direct a proportionate part of the interest to be returned to the company, and if from any error, fault, or neglect of the company, it is not obtained until after the six months have expired, the court

Interest.

shall order the company to pay to the proper claimants the interest for such further period as is right.

170. If the lands so taken are situated in the Province of Quebec, and if the company has reason to fear any claim, mortgage, *hypothèque* or incumbrance, or if any person to whom the compensation or annual rent, or any part thereof, is payable, refuses to execute the proper conveyance and guarantee, or if the person entitled to claim the compensation or rent cannot be found, or is unknown to the company, or if, for any other reason, the company deems it advisable, the company may pay such compensation into the hands of the prothonotary of the Superior Court for the district in which the lands are situate, with the interest thereon for six months, and may deliver to the said prothonotary an authentic copy of the conveyance, or of the award, if there is no conveyance; and such award shall thereafter be deemed to be the title of the company to the lands therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the company, in like manner as in other cases of confirmation of title,—except that, in addition to the usual contents of the notice, the prothonotary shall state that the title of the company (that is, the conveyance or award) is under this Act, and shall call upon all persons entitled to the lands, or any part thereof, or representing or being the husband of any person so entitled, to file their claims to the compensation, or any part thereof; and all such claims shall be received and adjudicated upon by the court.

Proceedings
in a like case
in the Pro-
vince of Que-
bec.

Confirmation
of title.

Special notice
in such case.

171. Such judgment of confirmation shall forever bar all claims to the land, or any part thereof, including dower not yet open, as well as any mortgage, *hypothèque* or incumbrance upon the same; and the court shall make such order for the distribution, payment or investment of the compensation, and for the security of the rights of all persons interested, as to right and justice and to law appertains.

Effect of con-
firmation.

Distribution
of compensa-
tion.

172. The costs of the proceedings, in whole or in part, shall be paid by the company, or by any other person, as the court orders, and if judgment of confirmation is obtained in less than six months from the payment of the compensation to the prothonotary, the court shall direct a proportionate part of the interest to be returned to the company; and if, from any error, fault or neglect of the company, it is not obtained until after the six months have expired, the court shall order the company to pay the prothonotary the interest for such further period as is right.

Costs.

Interest.

RAILWAY CROSSINGS AND JUNCTIONS.

173. No company shall cross, intersect, join or unite its railway with any other railway without application to the

Crossings,
&c., subject
to approval of
Railway

Railway
Committee.

Railway Committee for approval of the place and mode of crossing, intersection, junction or union proposed,—of which application ten days' notice in writing shall be given by the company to any other company affected, by sending the same, by mail or otherwise, to the address of the president, superintendent, general manager, managing director or secretary of such other company.

Railway
Committee
may make
regulations.

174. The Railway Committee may make such orders and give such directions respecting the proposed crossing, intersection, junction or union, and the works to be executed and the measures to be taken by the respective companies, as to it appear necessary or expedient to secure the public safety.

Necessary ap-
paratus may
be ordered to
be adopted.

175. The Railway Committee may, on the application of any company whose railway, at rail level, crosses or is crossed by the railway of any other company, direct such companies to adopt and put in use at such crossing, within a reasonable time, to be fixed by such committee, such an interlocking switch and signal system or device, as in the opinion of such committee renders it safe to permit engines and trains to pass over such crossing without being brought to a stop.

Proportion of
expenses to be
paid by each
company.

176. The companies may agree with each other as to the compensation to be paid by one to the other in respect of any crossing, intersection, junction or union, or the proportion to be borne by each of the costs of executing any work or taking any measure, or the carrying out of any order of the Railway Committee; but if they fail so to agree, the amount of such compensation, or the proportion of such costs so to be borne by each, shall be determined by the Railway Committee.

Intersection
of railways
under provin-
cial charters.

177. Every railway company incorporated by any Act of the Legislature of any Province which crosses, intersects, joins or unites with any railway within the legislative authority of the Parliament of Canada, or which is crossed, or intersected by, or joined or united with any such railway shall, in respect of such crossing, intersection, junction and union, and all matters preliminary or incident thereto, be deemed to be, and be, within the legislative authority of the Parliament of Canada, and subject in respect thereof to the provisions of this Act.

NAVIGABLE WATERS.

Navigation
not to be im-
peded.

178. No company shall cause any obstruction in or impede the free navigation of any river, stream or canal, to or across or along which its railway is carried.

179. Whenever the railway is carried across any navigable river or canal, the company shall leave openings between the abutments or piers of its bridge or viaduct over the same, and shall make such bridge or viaduct of such clear height above the surface of the water, or shall construct such drawbridge or swing bridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swing bridge or draw bridge as the Governor in Council, from time to time, directs or makes.

Bridges over navigable rivers, &c.

180. No company shall run its trains over any canal, or over the navigable channel of any river, without having first laid such proper flooring under and on both sides of its railway track over such canal or channel, as is deemed by the Minister sufficient to prevent anything falling from the railway into such canal or river, or upon the boats or vessels, or craft, or persons who navigate such canal or river.

Bridges to be floored.

181. No company shall construct any wharf, bridge, pier or other work upon or over any navigable river, lake or canal, or upon the beach or bed or lands covered with the waters thereof, until it has first submitted the plan and proposed site of such work to the Railway Committee, and the same has been approved; and no deviation from such approved site or plan shall be made without the consent of the committee.

Plans of bridges, &c., to be approved.

182. The Governor in Council may, upon the report of the Railway Committee, authorize or require any company to construct fixed and permanent bridges or swing, draw or movable bridges, or to substitute any of such bridges for existing bridges on the line of its railway, within such time as the Governor in Council directs; and for every day after the period so fixed during which the company fails to comply with the directions of the Governor in Council, it shall forfeit and pay to Her Majesty the sum of two hundred dollars; and no company shall substitute any swing, draw or movable bridge for any fixed or permanent bridge already built and constructed, without the previous consent of the Railway Committee.

Substitution of one form of bridge for another.

Penalty for non-compliance.

No swing bridge to be substituted without permission.

HIGHWAY CROSSINGS.

183. The railway shall not be carried along an existing highway, but shall merely cross the same in the line of the railway, unless leave therefor has been obtained from the Railway Committee, and no obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on completion of the works, replacing the highway;

Railway not to be carried along highway without permission of proper authority.

Penalty for
contraven-
tion.

and every company which violates the provisions of this section shall incur a penalty of not less than forty dollars for each such violation ; but, in either case, the rail itself, if it does not, when the works are completed, rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction.

Variation
when crossing
on the level.

184. Whenever any railway crosses any highway, without being carried over it by a bridge, or under it by a tunnel or bridge, whether the level of the highway remains undisturbed or is raised or lowered to conform to the grade of the railway, the top of the rails shall not, when the crossing is completed, rise above or sink below the level of the highway more than one inch.

Dimensions of
bridges over
highways, and
inclination.

185. The span of the arch of every bridge erected for carrying the railway over or across any highway shall, at all times, be and be continued of the open and clear breadth and space, under such arch, of not less than twenty feet, and of a height, from the surface of such highway to the centre of such arch, of not less than twelve feet; and the descent of the highway passing under any such bridge shall not exceed one foot in twenty feet.

Inclination of
highway at
crossings.

186. The inclination of the ascent or descent, as the case may be, of any approach by which any roadway is carried over or under any railway or across it at rail level shall not be greater than one foot of rise or fall for every twenty feet of the horizontal length of such approach unless the Railway Committee directs otherwise; and a good and sufficient fence shall be made on each side of such approach, and of the bridge or passage connected with it,—which fence shall be at least four feet in height from the surface of the approach, bridge or passage; and, in respect to railways which, on the nineteenth day of April, one thousand eight hundred and eighty-four, were under construction or already constructed, the Railway Committee shall determine the proportion in which the cost of providing such fencing for such approach shall be borne by the company or municipality or person interested.

Fences.

Cost thereof
in certain
cases.

Plan of cross-
ing of high-
way on the
level to be
submitted.

187. Whenever any portion of a railway is constructed, or authorized or proposed to be constructed upon or along or across any street or other public highway at rail level or otherwise, the company, before constructing or using the same, or, in the case of railways already constructed, within such time as the Railway Committee directs, shall submit a plan and profile of such portion of railway for the approval of the Railway Committee; and the Railway Committee, if it appears to it expedient or necessary for the public safety, may, from time to time, with the sanction of the Governor in Council, authorize or require the company to

Powers of
Railway Com-
mittee in such
case.

which such railway belongs, within such time as the said committee directs, to protect such street or highway by a watchman or by a watchman and gates or other protection,—or to carry such street or highway either over or under the said railway by means of a bridge or arch, instead of crossing the same at rail level,—or to divert such street or highway either temporarily or permanently,—or to execute such other works and take such other measures as under the circumstances of the case appear to the Railway Committee best adapted for removing or diminishing the danger arising from the then position of the railway; and all the provisions of law at any such time applicable to the taking of land by such company, and to its valuation and conveyance to the company, and to the compensation therefor, shall apply to the case of any land required for the proper carrying out of the requirements of the Railway Committee under this section.

As to land required.

188. The Railway Committee may make such orders, and give such directions respecting such works and the execution thereof, and the apportionment of the costs thereof and of any such measures of protection, between the said company and any person interested therein, as appear to the Railway Committee just and reasonable.

Railway Committee may make regulations.

189. Every company shall incur a penalty of fifty dollars for each and every day after the expiration of the date fixed by the Railway Committee for the execution of any such works during which such works remain uncompleted, and for each and every day after the date fixed by the Railway Committee for the taking of any measure for the protection of any such street or highway, or for removing or diminishing such danger as aforesaid, on which the company fails to take such measure: Provided however, that the Railway Committee may extend the time for the completion of the said work upon proper cause shown.

Penalty for non-compliance.

Time may be extended.

190. Signboards at every highway crossed at rail level by any railway, shall be erected and kept up at each crossing, and shall have the words "railway crossing" painted on each side of the signboard, in letters at least six inches in length, and in the Province of Quebec such words shall be painted in both the English and the French languages; and every company which neglects to comply with the requirements of this section, shall incur a penalty not exceeding forty dollars.

Signboards over railway crossings.

FARM CROSSINGS.

191. Every company shall make crossings for persons across whose lands the railway is carried, convenient and proper for the crossing of the railway by farmers' implements, carts and other vehicles.

Farm crossings.

BRIDGES—TUNNELS.

As to height
of overhead
bridges.

192. Every bridge or other erection or structure or tunnel over or through or under which any railway passes, and every tunnel through which any railway passes, shall, at all times, be so maintained as to admit of an open and clear headway of at least seven feet between the top of the highest freight cars used on the railway and the bottom of the lower beams, members or portions of that part of such bridge, erection, structure or tunnel which is over the railway :

No higher
cars to be
used till
bridge is
raised.

2. The company, before using higher freight cars than those which admit of such open and clear headway of at least seven feet, shall, after having first obtained the consent of the municipality or of the owner of such bridge or other erection, structure or tunnel, raise every such bridge or other erection, structure or tunnel and the approaches thereto, if necessary, so as to admit of such open and clear headway of at least seven feet :

Bridge, &c.,
to be raised
when re-con-
structed,

3. Whenever any bridge, erection, structure or tunnel is constructed over or on the line of a railway, or whenever it becomes necessary to reconstruct any bridge, erection, structure or tunnel already built over or on the line of a railway, or to make large repairs to the same, such bridge, erection, structure or tunnel, and the approaches thereto, if necessary, shall be constructed, reconstructed or repaired at the cost of the company, or of the municipality or other owner of the bridge, erection, structure or tunnel, as the case may be, and shall be so constructed and at all times maintained as to admit of an open and clear headway of at least seven feet between the top of the highest freight cars then used on the railway and the bottom of the lower beams, members or portions of that part of such bridge, erection, structure or tunnel which is over the railway :

And clear
headway
maintained
thereafter.

4. Such company shall thereafter, before using higher freight cars than those used on its railway at the time of the construction or reconstruction of, or large repairs to such bridge, erection, structure or tunnel, after having first obtained the consent of the municipality, or of the owner of such bridge, erection, structure or tunnel, raise the said bridge or other erection, structure or tunnel, and the approaches thereto, if necessary, so as to admit, as aforesaid, of an open and clear headway of at least seven feet over the top of the highest freight car then about to be used on the railway :

Exception.

5. The Governor in Council may exempt from the operation of this section any bridge, erection, structure or tunnel which is upon any portion of any line of railway on all the cars of the trains running upon which air-brakes are used or otherwise :

Penalty for
non-compli-
ance.

6. Every company shall incur a penalty not exceeding fifty dollars per day for every day of wilful neglect, omission or refusal to obey the provisions of this section.

193. No company shall run its trains on any bridge unless such bridge is constructed and maintained with safeguards approved by the Minister. This section shall not apply to any bridge already constructed, until six months after the passing of this Act.

When only trains may be run over a bridge.

FENCES AND CATTLE-GUARDS.

194. When a municipal corporation for any township has been organized and the whole or any portion of such township has been surveyed and subdivided into lots for settlement, fences shall be erected and maintained on each side of the railway through such township, of the height and strength of an ordinary division fence, with openings or gates or bars or sliding or hurdle gates of sufficient width for the purposes thereof, with proper fastenings at farm crossings of the railway, and also cattle-guards at all highway crossings suitable and sufficient to prevent cattle and other animals from getting on the railway: Provided always, that in New Brunswick, Nova Scotia and Prince Edward Island, wherever a county municipality has not been subdivided into local municipalities, each improved or occupied lot of land shall be protected by fences, gates and cattle-guards, as in this section provided:

Fences, cattle guards, &c., to be erected and maintained.

As to N.B., N.S., and P.E.I.

2. A hurdle gate has proper fastenings if it is fifteen inches longer than the opening and is supported at each end by two upright posts:

Fastenings at hurdle gates.

3. Until such fences and cattle-guards are duly made and completed, and if after they are so made and completed they are not duly maintained, the company shall be liable for all damages done by its trains and engines to cattle, horses and other animals, not wrongfully on the railway, and having got there in consequence of the omission to make, complete and maintain such fences and cattle-guards as aforesaid.

Liability of company in default.

195. If the land through or by which the railway passes is occupied at the time of the construction of the railway opposite thereto, the company shall make such fences, gates and cattle-guards as they lay their rails.

Time for construction if land is occupied.

196. After such fences, gates and guards have been duly made and completed, and while they are duly maintained, no such liability shall accrue for any such damages, unless the same are caused wilfully or negligently by the company or by its employees.

When company is exempted from liability.

197. At every public road crossing at rail level of the railway, the crossing shall be sufficiently fenced on both sides so as to allow the safe passage of the trains.

Crossings to be fenced.

198. The persons for whose use farm crossings are furnished, shall keep the gates at each side of the railway closed.

Gates at farm crossings to be kept closed.

closed when not in use ; and no person, any of whose cattle are killed by any train owing to the non-observance of this section, shall have any right of action against any company in respect to the same being so killed.

Penalty for leaving gates open.

199. Every person who wilfully leaves any such gate open without some person being at or near it to prevent animals from passing through it on to the railway, or who takes down any part of a railway fence, or turns any horse, cattle or other animal upon or within the enclosure of such railway, is liable, on summary conviction, to a penalty of twenty dollars for each offence, and is also liable to the railway company for any damage to the property of the company or for which the company is responsible, by reason of such gate being so left open, or by reason of such fence being so taken down, or by the turning upon or within the enclosure of such railway of any horse, cattle or other animal ; and no person, any of whose cattle are killed by any train owing to the non-observance of this section, shall have any right of action against any company in respect to the same being so killed.

Company not liable in such case.

INSPECTION OF RAILWAY BEFORE OPENING.

Notice to Railway Committee before railway is opened.

200. No railway, or portion of any railway, shall be opened for the public conveyance of passengers, until one month after notice in writing of the intention to open the same is given to the Minister by the company to which the railway belongs, and until ten days after notice in writing is given to the Minister by the company, of the time when the railway or portion of railway will be, in the opinion of the company, sufficiently completed for the safe conveyance of passengers, and ready for inspection.

Penalty for non-compliance.

201. If any railway or portion of a railway is opened without such notices, the company to which such railway belongs shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open, until the said notices have been duly given and have expired.

Railway to be inspected.

202. The Minister, upon receiving such notification, shall direct one or more engineers to examine the railway proposed to be opened, and all bridges, culverts, tunnels, road crossings and other works and appliances connected therewith, and also all engines and other rolling stock intended to be used thereon ; and if the inspecting engineer reports in writing to the Minister that, in his opinion, the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way or of the insufficiency of the establishment for working such railway, together with the ground

Postponement of opening if report is unfavorable.

of such opinion, the Minister, with the sanction of the Governor in Council,—and so, from time to time, as often as such engineer, after further inspection thereof, reports to the like effect,—may order and direct the company to which the railway belongs, to postpone such opening for any time not exceeding one month at any one time, until it appears to the Minister that such opening may take place without danger to the public.

203. If any railway or any portion thereof is opened contrary to such order or direction of the Minister, the company to whom the railway belongs shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open contrary to such order or direction. Penalty for opening contrary to order.

204. No such order shall be binding upon the company unless a copy of the report of the inspecting engineer on which the order is founded is delivered to the company with such order. Order not binding without copy of report.

INSPECTION OF RAILWAY OUT OF REPAIR.—REPAIRS.

205. Whenever the Minister receives information to the effect that any bridge, culvert, viaduct, tunnel or any other portion of any railway, or any engine, car or carriage used or for use on any railway, is dangerous to the public using the same, from want of repair, insufficient or erroneous construction, or from any other cause, or whenever circumstances arise which, in his opinion, render it expedient, he may direct one or more engineers to examine and inspect the railway or any portion thereof, or of the works connected therewith, or the engines and other rolling stock in use thereon, or any portion thereof, and, upon the report of the inspecting engineer, may condemn the railway, or any portion thereof, or any of the rolling stock or other appliances used thereon, and, with the approval of the Governor in Council, may require any change or alteration therein or in any part thereof, or the substitution of any new bridge, culvert, viaduct or tunnel, or of any material for the said railway; and thereupon the company to which such railway belongs, or the company using, running or controlling the same, shall, after notice thereof in writing, proceed to make good or remedy the defects in the said portions of the railway, or in the locomotive, car or carriage which has been so condemned, or shall make such change, alteration or substitution as has been required by the Minister. Proceedings if part of railway is out of repair.

Defects to be made good.

206. Whenever that portion of any railway which crosses or is constructed upon or along any turnpike road, street or other public highway at rail level is out of repair, the chief officer of the municipality, or other local division, If railway is out of repair at a crossing, notice to be given.

Proceedings
thereafter.

having jurisdiction over such highway, may serve a notice upon the company in the usual manner, requiring the repair to be forthwith made; and, if the company does not forthwith make the same, such officer may transmit a copy of the notice so served to the Minister; and thereupon the Minister shall, with all possible despatch, appoint a day for an examination into the matter; and shall, by mail, give notice to such chief officer and to the company of the day so fixed.

Inspection
and proceed-
ings there-
upon.

207. Upon the day so named the said portion of the railway shall be examined by the engineer directed by the Minister to make such examination, and any certificate under his hand shall be final on the subject so in dispute between the parties; and, if the inspecting engineer determines that any repairs are required, he shall specify the nature thereof in his certificate, and direct the company to make the same; and the company shall thereupon, with all possible despatch, comply with the requirements of such certificate.

Provision if
the company
makes de-
fault.

208. In case of default, the proper authority in the municipality or other local division within whose jurisdiction the said portion of the railway is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises, by action against the company in any court of competent jurisdiction, as money paid to the company's use; but neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such company in the premises.

Regulation of
speed of
trains, &c.

209. The Minister, or any inspecting engineer, may limit the number of times or rate of speed of running of trains or vehicles, upon any railway or portion of railway, until such alterations or repairs as he thinks sufficient have been made, or until such time as he thinks prudent; and the company owning, running or using such railway shall forthwith comply with any such order of the Minister or an inspecting engineer, upon notice thereof as aforesaid; and for every act of non-compliance therewith, such company shall forfeit to Her Majesty the sum of two thousand dollars.

Penalty.

Running of
trains may be
prohibited in
case of dan-
ger.

210. If, in the opinion of any inspecting engineer, it is dangerous for trains or vehicles to pass over any railway, or any portion thereof, until alterations, substitutions or repairs are made thereon, or that any particular car, carriage or locomotive should be run or used, the said engineer may forthwith forbid the running of any train or vehicle over such railway or portion of railway, or the running or using of any such car, carriage or locomotive, by delivering or causing to be delivered to the president, managing director

or secretary or superintendent of the company owning, running or using such railway, or to any officer having the management or the control of the running of trains on such railway, a notice in writing to that effect with his reasons therefor, in which he shall distinctly point out the defects or the nature of the danger to be apprehended; and for every act of non-compliance therewith such company shall forfeit to Her Majesty the sum of two thousand dollars. Penalty.

211. The inspecting engineer shall forthwith report the same to the Minister who, with the sanction of the Governor in Council, may either confirm, modify or disallow the act or order of the inspecting engineer; and notice of such confirmation, modification or disallowance shall be duly given to the company affected thereby. Report and action thereon.

PROOF OF PROCEEDINGS AT MEETINGS—NOTICES.

212. Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any annual or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute books kept by the secretary of the company, and by him certified to be true copies extracted from such minute books, shall be evidence of such proceedings and resolutions in any court. Copies of minutes to be evidence.

213. All notices given by the secretary of the company, by order of the directors, shall be deemed notices by the directors and the company. Notice by secretary valid.

BY-LAWS, RULES AND REGULATIONS.

214. The company may, subject to the provisions and restrictions in this and in the special Act contained, make by-laws, rules or regulations for the following purposes, that is to say:— Company may make by-laws for certain purposes.

(a.) For regulating the mode by which, and the speed at which carriages using the railway are to be moved or propelled; Speed, &c.

(b.) For regulating the hours of the arrival and departure of any such carriages; Time.

(c.) For regulating the loading or unloading of such carriages, and the weights which they are respectively to carry; Loads.

(d.) For regulating the receipt and delivery of goods and other things which are to be conveyed upon such carriages; Goods.

(e.) For preventing the smoking of tobacco, and the commission of any other nuisance in or upon such carriages, or in any of the stations or premises occupied by the company; Nuisances.

Use of railway.

(f.) For regulating the travelling upon, or the using or working of the railway ;

Conduct of officers, &c.

(g.) For regulating the conduct of the officers, servants and employees of the company ; and—

Management.

(h.) For providing for the due management of the affairs of the company in all respects whatsoever.

Penalty for violation of by-laws.

215. The company may, for the better enforcing the observance of any such by-law, rule or regulation, thereby prescribe a penalty not exceeding forty dollars for any violation thereof.

Form of by-laws.

216. All by-laws, rules and regulations of the company shall be reduced to writing, be signed by the chairman or person presiding at the meeting at which they are adopted, have affixed thereto the common seal of the company, and be kept in the office of the company.

Sanction.

217. All such by-laws, rules and regulations shall be submitted from time to time to the Governor in Council for approval, and no such by-law, rule or regulation shall have any force or effect until it is approved by the Governor in Council.

Publication.

218. A printed copy of so much of any by-law, rule or regulation as affects any person other than the shareholders, or the officers, servants or employees of the company, shall be openly affixed and kept affixed to a conspicuous part of every station belonging to the company, and so as to give public notice thereof to the persons interested therein or affected thereby ; and in the Province of Quebec such notice shall be published both in the English and French languages.

Publication of by-laws affecting employees.

219. A printed copy of so much of any by-law, rule or order as relates to the conduct of or affects the officers, servants or employees of the company, shall be given to every officer, servant and employee of the company thereby affected ; and in the Province of Quebec such notice shall be published both in the English and French languages.

Who shall be bound by such by-laws.

220. Such by-laws, rules and regulations, when so confirmed, shall be binding upon and observed by all persons, and shall be sufficient to justify all persons acting thereunder.

Summary interference in certain cases

221. If the violation or non-observance of any such by-law, rule or regulation is attended with danger or annoyance to the public, or hindrance to the company in the lawful use of the railway, the company may summarily interfere, to obviate or remove such danger, annoyance or hindrance,

hindrance, and without prejudice to any penalty incurred by the violation of such by-law, rule or regulation.

222. A copy of any by-law, rule or regulation certified as correct by the president or secretary of the company, shall be evidence thereof in any court. Certified copy to be evidence.

TOLLS.

223. Subject to the provisions and restrictions in this and in the special Act contained, the company may, by by-laws, or the directors, if thereunto authorized by the by-laws, may, from time to time, fix and regulate the tolls to be demanded and taken for all passengers and goods transported upon the railway, or in steam vessels belonging to the company. Tolls, how fixed.

224. Such tolls may be fixed either for the whole or for any particular portions of the railway; but all such tolls shall always, under the same circumstances, be charged equally to all persons, and at the same rate, whether per ton, per mile or otherwise, in respect of all passengers and goods and railway carriages of the same description, and conveyed or propelled by a like railway carriage or engine, passing only over the same portion of the line of railway; and no reduction or advance in any such tolls shall be made, either directly or indirectly, in favor of or against any particular company or person travelling upon or using the railway. No discrimination to be made.

225. The tolls fixed for large quantities or long distances may be proportionately less than the tolls fixed for small quantities or short distances, if such tolls are, under the same circumstances, charged equally to all persons; but in respect of quantity no special toll or rate shall be given or fixed for any quantity less than one car load of at least ten tons. Special rates.

226. The company, in fixing or regulating the tolls to be demanded and taken for the transportation of goods, shall, except in respect to through traffic to or from the United States, adopt and conform to any uniform classification of freight which the Governor in Council on the report of the Minister, from time to time, prescribes. Classification of freight.

227. No tolls shall be levied or taken until the by-law fixing such tolls has been approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* of such by-law and of the Order in Council approving thereof; nor shall any company levy or collect any money for services as a common carrier except subject to the provisions of this Act. Tolls to be approved by Governor in Council.
Tolls for service as common carrier.

Revision of
by-law fixing
tolls.

228. Every by-law fixing and regulating tolls shall be subject to revision by the Governor in Council, from time to time, after approval thereof; and after an Order in Council altering the tolls fixed and regulated by any by-law, has been twice published in the *Canada Gazette*, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law, so long as the Order in Council remains unrevoked.

Fractions,
how esti-
mated.

229. In all cases, a fraction in the distance over which goods or passengers are transported on the railway shall be considered as a whole mile; and for a fraction of a ton in the weight of any goods, a proportion of the tolls shall be demanded and taken, according to the number of quarters of a ton contained therein, and a fraction of a quarter of a ton shall be deemed and considered as a whole quarter of a ton.

Tariff to be
posted up.

230. The company shall, from time to time, cause to be printed and posted up in its offices, and in every place where the tolls are to be collected, in some conspicuous position, a printed board or paper, exhibiting all the rates of tolls payable, and particularizing the price or sum of money to be charged or taken for the carriage of any matter or thing.

Tolls, to
whom pay-
able.

231. Such tolls shall be paid to such persons and at such places, near to the railway, in such manner and under such regulations as the by-laws direct.

Discrimina-
tion.

When allow-
able.

232. No company, in fixing any toll or rate, shall, under like conditions and circumstances, make any unjust or partial discrimination between different localities; but no discrimination between localities, which, by reason of competition by water or railway, it is necessary to make to secure traffic, shall be deemed to be unjust or partial.

No secret
special rates
to be given.

233. No company shall make or give any secret special toll, rate, rebate, drawback or concession to any person; and every company shall, on the demand of any person, make known to him any special rate, rebate, drawback or concession given to any one.

Enforcement
of payment of
tolls.

234. In case of denial or neglect of payment on demand of any such tolls, or any part thereof, the same shall be recoverable in any court of competent jurisdiction; or the agents or servants of the company may seize the goods for or in respect whereof such tolls are payable, and may detain the same until payment thereof, and in the meantime the said goods shall be at the risk of the owners thereof.

235. If the tolls are not paid within six weeks, the company may sell the whole or any part of such goods, and out of the money arising from such sale retain the tolls payable, and all reasonable charges and expenses of such seizure, detention and sale, and shall deliver the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto.

Sale of goods
in default of
payment.

236. If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement, for six weeks, in the *Official Gazette* of the Province in which such goods are, and in such other newspapers as it deems necessary, sell such goods by public auction, at a time and place which shall be mentioned in such advertisement, and, out of the proceeds thereof, pay such tolls and all reasonable charges for storing, advertising and selling such goods; and the balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any person entitled thereto.

Sale of un-
claimed
goods.

Application
of proceeds.

237. In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Minister of Finance and Receiver General for the public uses of Canada, until claimed by the person entitled thereto.

Disposal of
unclaimed
balance.

TRAFFIC ARRANGEMENTS.

238. The directors of any company may, at any time, make and enter into any agreement or arrangement with any other company, either in Canada or elsewhere, for the regulation and interchange of traffic passing to and from the company's railways, and for the working of the traffic over the said railways respectively, or for either of those objects separately,—and for the division and apportionment of tolls, rates and charges in respect of such traffic,—and generally in relation to the management and working of the railways, or any of them, or any part thereof, and of any railway or railways in connection therewith, for any term not exceeding twenty-one years,—and to provide, either by proxy or otherwise, for the appointment of a joint committee or committees for the better carrying into effect any such agreement or arrangement, with such powers and functions as are considered necessary or expedient,—subject to the consent of two-thirds of the stockholders voting in person or by proxy, and also to the approval of the Governor in Council.

Arrange-
ments for in-
terchange of
traffic.

Proviso: as to
approval.

239. Before such approval is given, notice of the application therefor shall be published in the *Canada Gazette* for at least two months previously to the time therein named

Notice of ap-
plication for
approval.

for the making of such application ; and such notice shall state a time and place when the application is to be made, and that all persons interested may then and there appear and be heard on such application.

Facilities to be afforded in respect of traffic.

No undue advantage.

As to continuous lines of railway.

Agreements in violation void.

Penalty for refusal by officer to receive and convey goods.

Recovery and application.

240. Every company shall, according to its power, afford all reasonable facilities to any other railway company for the receiving and forwarding and delivery of traffic upon and from the several railways belonging to or worked by such companies respectively, and for the return of carriages, trucks and other vehicles; and no such company shall make or give any undue or unreasonable preference or advantage to or in favor of any particular person or company, or any particular description of traffic in any respect whatsoever,—nor shall any such company subject any particular person or company, or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; and every company which has or works a railway which forms part of a continuous line of railway, or which intersects any other railway, or which has any terminus, station or wharf near to any terminus, station or wharf of any other railway, shall afford all due and reasonable facilities for receiving and forwarding by its railway all the traffic arriving by such other railway, without any unreasonable delay, and without any such preference or advantage, or prejudice or disadvantage, as aforesaid, and so that no obstruction is offered to the public desirous of using such railway as a continuous line of communication, and so that all reasonable accommodation, by means of the railways of the several companies, is, at all times, afforded to the public in that behalf; and any agreement made between any two or more companies contrary to this section shall be unlawful, and null and void.

241. Every officer, servant or agent of any company, having the superintendence of the traffic at any station or depot thereof, who refuses or neglects to receive, convey or deliver at any station or depot of the company for which they are destined, any passenger, goods or thing, brought, conveyed or delivered to him or such company, for conveyance over or along its railway from that of any other company, intersecting or being near to such first mentioned railway, or who in any way wilfully violates the provisions of the next preceding section, and the company first mentioned are, for each such refusal, neglect or offence severally liable, on summary conviction, to a penalty not exceeding fifty dollars over and above the actual damages sustained; which penalty shall be recoverable with costs, by the railway company or by any person aggrieved by such neglect or refusal, and such penalty shall belong to the said railway company, or other person so aggrieved.

242. Every company which grants any facilities to any incorporated express company or person shall grant equal facilities on equal terms and conditions to any other incorporated express company which demands the same.

Equal facilities to express companies, &c.

WORKING OF THE RAILWAY.

243. Every railway company, which runs trains upon the railway for the conveyance of passengers, shall provide and cause to be used in and upon such trains such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the engine drivers of such trains while the trains are in motion,—and good and sufficient means of applying, by the power of the steam engine or otherwise, at the will of the engine driver or other person appointed to such duty, the brakes to the wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains, and of disconnecting the locomotive, tender and cars or carriages from each other by any such power or means,—and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages,—and shall alter such apparatus and arrangements or supply new apparatus and arrangements, from time to time, as the Railway Committee orders; and every railway company which fails to comply with any of the provisions of this section, shall forfeit to Her Majesty a sum not exceeding two hundred dollars for every day during which such default continues, and shall, as well, be liable to pay to all such persons as are injured by reason of non-compliance with these provisions, or to their representatives, such damages as they are legally entitled to, notwithstanding any agreement to the contrary with regard to any such person.

Best appliances for communication and for stopping trains to be used.

Penalty for non-compliance.

Liability for damages.

244. Every locomotive engine shall be furnished with a bell, of at least thirty pounds weight, and with a steam whistle.

Bells and whistles.

245. No baggage, freight, merchandise or lumber cars shall be placed in rear of the passenger cars.

Position of passenger cars.

246. All regular trains shall be started and run as near as practicable at regular hours, fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previously thereto offered for transportation at the place of starting, and at the junctions of other railways and at usual stopping places established for receiving and discharging way passengers and goods from the trains:

Trains to be run at regular hours.

2. Such passengers and goods shall be taken, transported to and from, and discharged at such places, on the due payment of the toll, freight or fare lawfully payable therefor:

Conveyance of passengers and goods.

Right of
action in case
of neglect.

3. Every person aggrieved by any neglect or refusal in the premises, shall have an action therefor against the company,—from which action the company shall not be relieved by any notice, condition or declaration, if the damage arises from any negligence or omission of the company or of its servant.

Servants to
wear badges.

247. Every servant of the company employed in a passenger train or at a station for passengers, shall wear upon his hat or cap a badge, which shall indicate his office, and he shall not, without such badge, be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property.

Expulsion of
passengers re-
fusing to pay.

248. Every passenger who refuses to pay his fare may, by the conductor of the train and the train servants of the company, be put out of the train, with his baggage, at any usual stopping place, or near any dwelling house, as the conductor elects, the conductor first stopping the train and using no unnecessary force.

Injury to pas-
senger stand-
ing on plat-
form, &c.

249. No person injured while on the platform of a car, or on any baggage, wood or freight car, in violation of the printed regulations posted up at the time, shall have any claim in respect of the injury, if room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time.

Checks to be
affixed to
baggage.

250. Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or fixture of any kind thereupon, delivered to such agent or servant for transport, and a duplicate of such check shall be given to the passenger delivering the same.

Penalty for
refusing to
affix check.

251. If such check is refused on demand, the company shall pay to such passenger the sum of eight dollars, which shall be recoverable in a civil action; and no fare or toll shall be collected or received from such passenger, and if he has paid his fare, the same shall be refunded by the conductor in charge of the train.

Evidence of
value of bag-
gage.

252. Any passenger who produces such check may himself be a witness in any action or suit brought by him against the company to prove the contents and value of his baggage not delivered to him.

As to danger-
ous goods.

253. No passenger shall carry, or require the company to carry upon its railway, aquafortis or oil of vitriol, gunpowder, nitro-glycerine, or any other goods which, in the judgment of the company, are of a dangerous nature; and every person who sends by the railway any such goods

without, at the time of so sending the same, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the station master or other servant of the company with whom the same are left, or who carries or takes upon any railway train such material as is mentioned above, for the purpose of having the same carried by the said railway train, shall forfeit to the company the sum of five hundred dollars for every such offence.

To be plainly marked.

Penalty for contravention.

254. The company may refuse to take any package or parcel which it suspects to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact; and the company shall not carry any such goods of a dangerous nature, except in cars specially designated for that purpose, on each side of each of which shall plainly appear, in large letters, the words "dangerous explosives;" and for each neglect to comply with the provisions of this section, the company shall incur a penalty of five hundred dollars.

Dangerous goods may be refused.

Carriage of such goods.

Penalty for contravention.

255. When a railway passes any draw or swing bridge over a navigable river, canal or stream, which is subject to be opened for the purposes of navigation, the trains shall, in every case, be stopped at least one minute, to ascertain from the bridge tender that the said bridge is closed and in perfect order for passing, and in default of so stopping for the full period of one minute, the company shall incur a penalty of four hundred dollars.

Train to stop before passing a swing bridge.

256. The bell, with which the engine is furnished, shall be rung, or the whistle sounded, at the distance of at least eighty rods from every place at which the railway crosses any highway, and be kept ringing or be sounded at short intervals, until the engine has crossed such highway; and the company shall, for each neglect to comply with the provisions of this section, incur a penalty of eight dollars, and shall also be liable for all damage sustained by any person by reason of such neglect; and a moiety of such penalty and damages shall be chargeable to and collected by the company from the engineer who has charge of such engine, and who neglects to sound the whistle or ring the bell as aforesaid.

Bell to be rung or whistle sounded at crossings.

Penalty for non-compliance.

257. An officer shall be stationed at every point where two railways cross each other at rail level, and no train shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear.

Officer to be stationed at crossing.

258. Every locomotive or railway engine, or train of cars, on any railway, shall, before it crosses the track of any other railway at rail level, be stopped for the space of at least

Trains to stop at level crossings.

Exception. one minute; but whenever there is adopted or in use on any railway at any crossing thereof at rail level by any other railway, an interlocking switch and signal system, or other device, which, in the opinion of the Railway Committee, renders it safe to permit engines and trains to pass over such crossing without being brought to a stop, such Committee may, by an order in writing, give permission for engines and train to pass without stopping, under such regulations as to speed and other matters, as the said Committee deems proper, and may, at any time, modify or revoke such order.

Rate of speed in cities, &c. **259.** No locomotive or railway engine shall pass in or through any thickly peopled portion of any city, town or village, at a speed greater than six miles an hour, unless the track is properly fenced.

As to train moving reversely. **260.** Whenever any train of cars is moving reversely in any city, town or village, the locomotive being in the rear, the company shall station on the last car in the train, a person who shall warn persons standing on or crossing the track of such railway, of the approach of such train; and for every violation of any of the provisions of this section or of any of the three sections next preceding, the company shall incur a penalty of one hundred dollars.

Penalty.

Cars not to stand on railway crossing. **261.** Whenever any railway crosses any public highway at rail level, the company shall not, nor shall its officers, servants or agents, wilfully permit any engine, tender or car, or any portion thereof, to stand on any part of such highway for a longer period than five minutes at one time:

Penalty for violation. 2. In every case of a violation of this section, every such officer, servant and agent who has under or subject to his control, management or direction, any engine, tender or car which, or any portion of which, is wilfully allowed to stand on such highway longer than the time specified in this section, is, and such company is also for each such violation, liable on summary conviction to a penalty not exceeding fifty dollars: Provided always, that if such alleged violation is, in the opinion of the court, excusable, the action for the penalty may be dismissed, but without costs.

Proviso.

Application. **262.** This section shall apply to every railway and railway company within the legislative authority or jurisdiction of the Parliament of Canada:

Interpretation of terms. 2. In this section the expression "packing" means a packing of wood or metal, or some other equally substantial and solid material, of not less than two inches in thickness, and which, where by this section any space is required to be filled in, shall extend to within one and a-half inches of the crown of the rails in use on any such railway, shall be

neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid :

3. The spaces behind and in front of every railway frog or crossing, and between the fixed rails of every switch where such spaces are less than five inches in width, shall be filled with packing up to the under side of the head of the rail : Packing of frogs, &c.

4. The spaces between any wing rail and any railway frog, and between any guard rail and the track rail along side of it, shall be filled with packing at their splayed ends, so that the whole splay shall be so filled where the width of the space between the rails is less than five inches ; such packing not to reach higher than to the under side of the head of the rail : And of wing and guard rails. Provided however, that the Railway Committee may allow such filling to be left out, from the month of December to the month of April in each year, both months included : Proviso.

5. The oil cups or other appliances used for oiling the valves of every locomotive in use upon any railway shall be such that no employee shall be required to go outside the cab of the locomotive, while the same is in motion, for the purpose of oiling such valves Oil cups.

TRAINS OVERDUE.

263. Every company, upon whose road there is a telegraph line in operation, shall have a blackboard put upon the outside of the station house, over the platform of the station, in some conspicuous place at each station of such company at which there is a telegraph office ; and when any passenger train is overdue for half an hour at any such station, according to the time table of such company, the station master or person in charge at such station, shall write, or cause to be written with white chalk on such blackboard, a notice in English and French in the Province of Quebec, and in English in the other Provinces, stating, to the best of his knowledge and belief, the time when such overdue train may be expected to reach such station ; and if, when that time has come, the train has not reached the station, the station master or person in charge of the station shall write, or cause to be written on the blackboard in like manner, a fresh notice stating, to the best of his knowledge and belief, the time when such overdue train may then be expected to reach such station : Duty of station agents, &c., when train is overdue.

2. Every such company, station master or person in charge at any such station, is, on summary conviction, liable to a penalty not exceeding five dollars for every wilful neglect, omission or refusal to obey the provisions of this section : Penalty for non-compliance.

3. Every such company shall have a printed copy of this section posted up in a conspicuous place at each of its stations at which there is a telegraph office. Copy of this section to be posted up.

CARRIAGE OF MAILS, NAVAL AND MILITARY FORCES, ETC.

Carriage of
Her Majesty's
mails, &c.

264. Her Majesty's mail, Her Majesty's naval or military forces or militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables or others travelling on Her Majesty's service, shall at all times, when required by the Postmaster General of Canada, the Commander of the Forces, or any person having the superintendence and command of any police force respectively, and with the whole resources of the company if required, be carried on the railway, on such terms and conditions and under such regulations as the Governor in Council makes.

TELEGRAPH LINES.

Government
to have use of
telegraph if
required.

265. The company shall, when required so to do by the Governor in Council, or any person authorized by him, place any electric telegraph and telephone lines, and the apparatus and operators it has, at the exclusive use of the Government of Canada, receiving thereafter reasonable compensation for such service.

Telegraph
lines may be
constructed
by Govern-
ment.

266. The Governor in Council may, at any time, cause a line or lines of electric telegraph or telephone to be constructed along the line of the railway, for the use of the Government of Canada, and for that purpose may enter upon and occupy so much of the lands of the company as is necessary for the purpose.

ACCIDENTS, COMMISSIONS TO INVESTIGATE.

Notice of ac-
cidents to be
given.

267. Every company shall, as soon as possible, and within forty-eight hours at the furthest, after the occurrence upon the railway belonging to such company, of any accident attended with serious personal injury to any person using the same, or whereby any bridge, culvert, viaduct or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the Minister; and every company which wilfully omits to give such notice shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the omission to give the same continues.

Penalty for
non-compli-
ance.

Commission-
ers to inquire
into acci-
dents.

268. The Governor in Council, on the recommendation of the Minister, may appoint such person or persons as he thinks fit to be a commissioner or commissioners for inquiring into the causes of and the circumstances connected with any accident or casualty to life or property occurring on any railway, and into all particulars relating thereto; and such commissioner or commissioners shall receive such remuneration for his or their services as the Governor in Council determines.

Remunera-
tion.

269. The commissioner or commissioners shall report Report. fully, in writing, to the Minister, his or their doings and opinions on the matters respecting which he or they are appointed to inquire.

270. The remuneration of the commissioners and the Payment of fees and allowances to the witnesses shall be paid out of commission- any moneys provided by Parliament for unforeseen expenses. ers and wit- nesses.

CATTLE AT LARGE.

271. No horses, sheep, swine or other cattle shall be Cattle not to permitted to be at large upon any highway, within half a be at large mile of the intersection of such highway with any railway near railway. at rail level, unless such cattle are in charge of some person or persons, to prevent their loitering or stopping on such highway at such intersection :

2. All cattle found at large contrary to the provisions of Such cattle this section may, by any person who finds the same at may be im- large, be impounded in the pound nearest to the place pounded. where the same are so found, and the pound-keeper with whom the same are so impounded shall detain the same in the like manner, and subject to the like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property :

3. If the cattle of any person, which are at large contrary No right of to the provisions of this section, are killed or injured by any action in such train at such point of intersection, he shall not have any case. right of action against any company in respect of the same being so killed or injured.

CATTLE NOT ALLOWED WITHIN FENCES—EXCEPTIONS.

272. Every person who rides, leads or drives any horse No cattle to or any other animal, or suffers any such horse or other be taken on animal to enter upon such railway, and within the fences line. and guards, other than the farm crossings, without the consent of the company, shall, on summary conviction, be liable to a penalty not exceeding forty dollars, and shall Penalty. also pay to any person aggrieved all damages sustained thereby.

NO PERSON TO WALK ON TRACK, ETC.—EXCEPTIONS.

273. Every person, not connected with the railway, or No person to employed by the company, who walks along the track walk on the thereof, except where the same is laid across or along a line. highway, is liable on summary conviction to a penalty not Penalty. exceeding ten dollars :

2. Every person who enters upon any railway train with- Wrongfully out the knowledge or consent of an officer or servant of the entering company with intent fraudulently to be carried upon the train. said

said railway without paying fare thereon, is liable on summary conviction to a penalty not exceeding ten dollars, or in default of payment to imprisonment for a term not exceeding ten days :

Penalty.

Person charged a competent witness.

Foot passengers to use foot bridge if provided.

3. Any person charged with an offence under this section shall be a competent witness on his own behalf.

274. If the Railway Committee orders any company to erect at or near or in lieu of any level crossing of a turnpike road, or other public highway, a foot bridge or foot bridges over its railway for the purpose of enabling persons passing on foot along such turnpike road or public highway to cross the railway by means of such bridge or bridges,—from and after the completion of such foot bridge or foot bridges so required to be erected, and while the company keeps the same in good and sufficient repair, such level crossing shall not be used by foot passengers on the said turnpike road or public highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road :

Penalty for contravention.

2. Every person who offends against the provisions of this section is liable, on summary conviction, to a penalty not exceeding ten dollars.

WEEDS ON COMPANY'S LAND TO BE CUT DOWN.

Weeds to be cut down.

275. Every company shall cause all thistles and other noxious weeds growing on the clear land or ground adjoining the railway and belonging to such company to be cut down early in July in each year, or to be rooted out :

Penalty for non-compliance.

2. Every company which fails to comply with this section shall incur a penalty of two dollars for every day during which such company neglects to do anything which it is so required to do ; and the mayor, reeve or chief officer of the municipality of the township, county or district in which the land or ground lies, or any justice of the peace therein, may cause all things to be done which the said company is so required to do, and for that purpose may enter, by himself and his assistants or workmen, upon such lands or grounds, and may recover the expenses and charges incurred in so doing, and the said penalty, with costs, in any court of competent jurisdiction, and such penalty shall be paid to the proper officer of the municipality.

Mayor, &c., may cause work to be done.

Application of penalty.

COMPANY MAY NOT PURCHASE RAILWAY SECURITIES.

Certain shares and securities not to be dealt in.
Exceptions.

276. No company shall, either directly or indirectly, employ any of its funds in the purchase of its own stock, or in the acquisition of any shares, bonds or other securities issued by any other railway company in Canada ; but this shall not affect the powers or rights which any company in

in Canada now has or possesses by virtue of any special Act to acquire, have or hold the shares, bonds or other securities of any railway company in the United States of America or Canada; nor shall it interfere with the right conferred on the Northern Railway Company of Canada, or the Hamilton and North Western Railway Company, to acquire stock in the Northern and Pacific Junction Railway Company, under the Acts relating to the said first named companies, respectively, passed by the Parliament of Canada in the forty-seventh year of Her Majesty's reign.

277. Every director of a railway company, who knowingly permits the funds of any such company to be applied in violation of the next preceding section, shall incur a penalty of one thousand dollars for each such violation,—which penalty shall be recoverable on information filed in the name of the Attorney General of Canada; and a moiety thereof shall belong to Her Majesty, and the other moiety thereof shall belong to the informer; and the acquisition of each share, bond or other security, or interest, as aforesaid, shall be deemed a separate violation of the provisions aforesaid.

Penalty for violation.

Application thereof.

SALE OF RAILWAY TO PURCHASER NOT HAVING CORPORATE POWERS.

278. If, at any time, any railway or any section of any railway is sold under the provisions of any deed of mortgage thereof, or at the instance of the holders of any mortgage bonds or debentures, for the payment of which any charge has been created thereon, or under any other lawful proceeding, and is purchased by any person or corporation which has not any corporate powers authorizing the holding and operating thereof by such purchaser,—the purchaser thereof shall transmit to the Minister, within ten days from the date of such purchase, a notice in writing stating the fact that such purchase has been made, describing the termini and line of route of the railway purchased and specifying the charter or Act of incorporation under which the same had been constructed and operated, including a copy of any writing, preliminary to a conveyance of such railway, which has been made as evidence of such sale; and immediately upon the execution of any deed of conveyance of such railway, the purchaser shall also transmit to the Minister a duplicate or an authenticated copy of such deed, and shall furnish to the Minister, on request, any further details or information which he requires.

Sale of railway to a purchaser not having necessary corporate powers.

Notice to the Minister.

And copy of deed of conveyance.

279. Until the purchaser has given notice to the Minister in manner and form as provided by the next preceding section, the purchaser shall not run or operate the railway so purchased, or take, exact or receive any tolls whatsoever in

Until such transmission trains not to be run.

Provisional
operation of
the railway.

respect of any traffic carried thereon ; but after the said conditions have been complied with, the purchaser may continue, until the end of the then next session of the Parliament of Canada, to operate such railway and to take and receive such tolls thereon as the company previously owning and operating the same was authorized to take, and shall be subject, in so far as they can be made applicable, to the terms and conditions of the charter or Act of incorporation of the said company, until he has received a letter of license from the Minister—which letter the Minister is hereby authorized to grant—defining the terms and conditions on which such railway shall be run by such purchaser during the said period.

License from
Minister.

Application
for necessary
powers.

Extension of
license.

Final action.

280. Such purchaser shall apply to the Parliament of Canada at the next following session thereof after the purchase of such railway, for an Act of incorporation or other legislative authority, to hold, operate and run such railway ; and if such application is made to Parliament and is unsuccessful, the Minister may extend the license to such railway until the end of the then next following session of Parliament, and no longer ; and if during such extended period the purchaser does not obtain such Act of incorporation or other legislative authority, such railway shall be closed or otherwise dealt with by the Minister as is determined by the Railway Committee.

RAILWAY CONSTABLES.

Appointment
of railway
constables.

281. Any two justices of the peace, or a stipendiary or police magistrate, in the Provinces of Ontario, Nova Scotia, New Brunswick, British Columbia, Prince Edward Island, or Manitoba or the District of Keewatin, and any judge of the Court of Queen's Bench or Superior Court, or clerk of the peace, or clerk of the Crown, or judge of the sessions of the peace, in the Province of Quebec, and any judge of the Supreme Court, or two justices of the peace, in the North-West Territories, and any Commissioner of Parish Court in the Province of New Brunswick, on the application of the directors of any company whose railway passes within the local jurisdiction of such justices of the peace, magistrate, commissioner, judge, clerk, or judge of the sessions of the peace, as the case may be, or on the application of any clerk or agent of such company thereto authorized by such directors, may, in their or his discretion, appoint any persons recommended for that purpose by such directors, clerk or agent, to act as constables on and along such railway ; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say :—

Oath to be
taken.

Form of oath.

" I, A. B., having been appointed a constable to act upon
" and along (*here name the railway*), under the provisions of

“ ‘*The Railway Act*,’ do swear that I will well and truly
 “ serve Our Sovereign Lady the Queen in the said office of
 “ constable, without favor or affection, malice or ill-will, and
 “ that I will, to the best of my power, cause the peace to be
 “ kept, and prevent all offences against the peace ; and that,
 “ while I continue to hold the said office, I will, to the best
 “ of my skill and knowledge, discharge the duties thereof
 “ faithfully, according to law. So help me God.”

282. Such oath or declaration shall be administered in either of the Provinces of Ontario, Nova Scotia, New Brunswick, British Columbia, Prince Edward Island or Manitoba, or in the District of Keewatin, by any one justice of the peace, and in the Province of Quebec by any such judge, clerk, or judge of the sessions of the peace, and in the North-West Territories by any such judge or by any one justice of the peace ; and every constable so appointed, who has taken such oath or made such declaration, may act as a constable for the preservation of the peace, and for the security of persons and property against felonies and other unlawful acts on such railway, and on any of the works belonging thereto,—and on and about any trains, roads, wharves, quays, landing places, warehouses, lands and premises belonging to such company, whether the same are in the county, city, town, parish, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes or in which the same terminates, or through or to which any railway passes which is worked or leased by such company,—and in all places not more than a quarter of a mile distant from such railway,—and shall have all such powers, protections and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, which any constable duly appointed has within his constablewick.

By whom to be administered.

Powers of such constable.

General powers.

283. Any such constable may take such persons as are punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts or by-laws affecting the railway, before any justice or justices appointed for any county, city, town, parish, district or other local jurisdiction within which such railway passes ; and every such justice may deal with all such cases, as though the offence had been committed and the persons taken within the limits of his own local jurisdiction.

Arrest of offenders.

284. Any two justices of the peace, or a stipendiary of police magistrate, in either of the Provinces of Ontario, Nova Scotia, New Brunswick, British Columbia, Prince Edward Island, or Manitoba, or in the District of Keewatin, and any judge of the Court of Queen's Bench or Superior Court, or clerk

Dismissal of constable.

Effect of dismissal.

of the peace, or clerk of the Crown, or judge of the sessions of the peace, in the Province of Quebec, and any judge of the Supreme Court, or two justices of the peace, in the North-West Territories, may dismiss any such constable who is acting within their several jurisdictions; and the directors of such company, or any clerk or agent of such company thereto authorized by such directors, may dismiss any such constable who is acting on such railway; and upon every such dismissal, all powers, protections and privileges which belonged to any such person by reason of such appointment shall wholly cease; and no person so dismissed shall be again appointed or act as constable for such railway, without the consent of the authority by whom he was dismissed.

Record of appointment to be kept.

285. Every such company shall cause to be recorded in the office of the clerk of the peace, for every county, city, town, parish, district or other local jurisdiction wherein such railway passes, the name and designation of every constable so appointed at its instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such constable, the date thereof, and the authority making the same, within one week after the date of such appointment or dismissal, as the case may be; and such clerk of the peace shall keep such record in such form as the Minister, from time to time, directs, in a book which shall be open to public inspection, charging such fee as the Minister, from time to time, authorizes.

Punishment of constable guilty of neglect of duty.

286. Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof, within any county, city, district or other local jurisdiction wherein such railway passes, to a penalty not exceeding eighty dollars, or to imprisonment, with or without hard labor, for a term not exceeding two months. Such penalty may be deducted from any salary due to such offender, if such constable is in receipt of a salary from the company.

LIMITATION OF ACTIONS FOR DAMAGES—GENERAL ISSUE.

Limitation of actions for damages.

287. All actions or suits for indemnity for any damages or injury sustained by reason of the railway, shall be commenced within one year next after the time when such supposed damage is sustained, or if there is continuation of damage, within one year next after the doing or committing of such damage ceases, and not afterwards; and the defendants may plead the general issue and give this Act and the special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by the authority of this Act or of the special Act.

What may be pleaded.

COMPANY NOT RELIEVED FROM LEGAL LIABILITY BY INSPECTION OR ANYTHING DONE HEREUNDER.

288. No inspection had under this Act, and nothing in this Act contained, and nothing done or ordered or omitted to be done or ordered, under or by virtue of the provisions of this Act, shall relieve, or be construed to relieve, any company of or from any liability or responsibility resting upon it by law, either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or personal representative of any person, for anything done or omitted to be done by such company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance, of such company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken or diminish the liability or responsibility of any such company, under the laws in force in the Province in which such liability or responsibility arises.

Inspection, &c., not to relieve company from liability.

OFFENCES AND PENALTIES.

289. Every company, director or officer doing, causing or permitting to be done, any matter, act or thing contrary to the provisions of this or the special Act, or to the orders or directions of the Governor in Council, or of the Railway Committee or Minister made hereunder, or omitting to do any matter, act or thing required to be done on the part of any such company, director or officer, is liable to any person injured thereby for the full amount of damages sustained by such act or omission; and if no other penalty is in this or the special Act provided for any such act or omission, is liable, for each offence, to a penalty of not less than twenty dollars, and not more than five thousand dollars, in the discretion of the court before which the same is recoverable:

Liability of company, &c., in cases specified.

Penalty.

2. This section shall only apply to companies and directors and officers of companies within the legislative authority of the Parliament of Canada.

Application of this section.

290. Every person from whom any company exacts any unjust or extortionate toll, rate or charge shall, in addition to the amount so unjustly exacted, be entitled to recover from the company as damages an amount equal to three times the amount so unjustly exacted.

Damages for extortionate toll.

291. Every officer or servant of any company or any person employed by it who directs or knowingly permits any baggage, freight, merchandise or lumber car to be placed in the rear of the passenger cars is guilty of a misdemeanor.

Penalty for placing baggage cars in rear of passenger cars.

292. Every person who is intoxicated while he is in charge of a locomotive engine, or acting as the conductor of a car or train of cars, is guilty of a misdemeanor.

Intoxication a misdemeanor.

Penalty for
selling liquor
to employees.

293. Every person who sells, gives or barter any spirituous or intoxicating liquor to or with any servant or employee of any company, while on duty, is liable on summary conviction to a penalty not exceeding fifty dollars, or to imprisonment with or without hard labor for a period not exceeding one month, or to both.

Punishment
for violation
of certain by-
laws.

294. Every officer or servant of, and every person employed by the company, who wilfully or negligently violates any by-law, rule or regulation of the company lawfully made and enforced, or any order or notice of the Railway Committee, or of the Minister or of an inspecting engineer, of which a copy has been delivered to him, or which has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, if such violation causes injury to any person or to any property, or exposes any person or any property to the risk of injury, or renders such risk greater than it would have been without such violation, although no actual injury occurs, is guilty of a misdemeanor, and shall, in the discretion of the court before which the conviction is had, and according as such court considers the offence proved to be more or less grave, or the injury or risk of injury to person or property to be more or less great, be punished by fine or imprisonment, or both; but no such fine shall exceed four hundred dollars and no such imprisonment shall exceed the term of five years.

If injury is
caused or risk
of injury is in-
creased.

Penalty limit-
ed.

Deduction of
penalty from
wages, or re-
covery.

295. The company may, in all cases under the next preceding section, pay the amount of the penalty and costs, and recover the same from the offender or deduct it from his salary or pay.

Penalty for
violation of
by-laws, &c.,
generally.

296. Every person who wilfully or negligently violates any by-law, rule or regulation of the company is liable, on summary conviction, for each offence, to a penalty not exceeding the amount therein prescribed, or if no amount is so prescribed to a penalty not exceeding twenty dollars: but no such person shall be convicted of any such offence, unless at the time of the commission thereof a printed copy of such by-law, rule or regulation was openly affixed to a conspicuous part of the station at which the offender entered the train or at or near which the offence was committed.

Exception.

Punishment
of persons
cutting or
boring casks
or packages.

297. Every person who,—

(a.) Bores, pierces, cuts, opens or otherwise injures any cask, box or package, which contains wine, spirits or other liquors, or any case, box, sack, wrapper, package or roll of goods, in, on or about any car, waggon, boat, vessel, warehouse, station house, wharf, quay or premises of, or which belong to any company, with intent feloniously to steal or otherwise

otherwise unlawfully to obtain or to injure the contents, or any part thereof, or,—

(b.) Unlawfully drinks or wilfully spills or allows to run to waste any such liquors, or any part thereof,—

Drinking or
wasting
liquor.
Penalty.

Is liable, on summary conviction, to a penalty not exceeding twenty dollars over and above the value of the goods or liquors so taken or destroyed, or to imprisonment with or without hard labor for a term not exceeding one month, or to both.

STATISTICS.

298. In the following sections of this Act down to section three hundred and five inclusive, unless the context otherwise requires, the expression "company" means a company constructing or operating a line of railway in Canada, whether otherwise within the legislative authority of the Parliament of Canada or not, and includes any individual or individuals not incorporated, who are owners or lessees of a railway in Canada, or parties to an agreement for working a railway in Canada.

Interpretation;
"company."

299. Every company shall annually prepare returns in accordance with the forms contained in schedule one to this Act, of its capital, traffic and working expenditure, and of all information required, as indicated in the said form, to be furnished to the Minister; and such returns shall be dated and signed by, and attested upon the oath of the secretary, or some other chief officer of the company, and of the president, or in his absence, of the vice-president or manager of the company:

Annual returns to be prepared.

How attested.

2. Such returns shall be made for the period included from the date to which the then last yearly returns made by the company extended, or from the commencement of the operation of the railway, if no such returns have been previously made, and, in either case, down to the last day of June in the then current year:

What period to be included.

3. A duplicate copy of such returns, dated, signed and attested in manner aforesaid, shall be forwarded by such company to the Minister within three months after the first day of July in each year:

Duplicate for the Minister.

4. The company shall also, in addition to the information required to be furnished to the Minister, as indicated in the said schedule one, furnish such other information and returns as are, from time to time, required by the Minister:

Further returns when required.

5. Every company which makes default in forwarding such returns in accordance with the provisions of this section, shall incur a penalty not exceeding ten dollars for every day during which such default continues:

Penalty for non-compliance.

6. The Minister shall lay before both Houses of Parliament, within twenty-one days from the commencement of each session thereof, the returns made and forwarded to him in pursuance of this section.

Returns to be submitted to Parliament.

Weekly returns to be prepared and transmitted.

Copy to be posted up.

Penalty for non-compliance.

Penalty for signing false return.

Return of accidents to be made.

Cause and nature.

Locality and time.

Extent and particulars.

Copies of by-laws.

Form of return may be prescribed.

300. Every company shall, weekly, prepare returns of its traffic for the next preceding seven days, in accordance with the form contained in schedule two to this Act, and a copy of such returns, signed by the officer of the company responsible for the correctness of such returns, shall be forwarded by the company to the Minister, within seven days from the day in each week up to which the said returns have been prepared; and another copy of each of such returns, signed by the same officer, shall be posted up by the company within the same delay, and kept posted up for seven days, in some conspicuous place in the most public room in the head office of the company in Canada, and so that the same can be perused by all persons; and free access thereto shall be allowed to all persons during the usual hours of business at such office, on each day of the said seven days not being a Sunday or holiday:

2. Every company which makes default in forwarding the said weekly returns to the Minister, or which fails to post up and keep posted up a copy thereof as aforesaid, and to allow free access thereto as aforesaid, shall incur a penalty not exceeding ten dollars for every day during which such default continues.

301. Every person who, knowing the same to be false in any particular, signs any return required by the two sections next preceding, is guilty of a misdemeanor.

302. Every company shall, within one month after the first days of January and July, in each and every year, make to the Railway Committee, under the oath of the president, secretary or superintendent of the company, a true and particular return of all accidents and casualties, whether to life or property, which have occurred on the railway of the company during the half year next preceding each of the said periods respectively, setting forth,—

(a.) The causes and natures of such accidents and casualties;

(b.) The points at which they occurred, and whether by night or by day;

(c.) The full extent thereof, and all the particulars of the same;

And shall also, at the same time, return a true copy of the existing by-laws of the company, and of its rules and regulations for the management of the company and of its railway.

303. The Minister may order and direct, from time to time, the form in which such returns shall be made up, and may order and direct any company to make up and deliver to the Minister, from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon

the railway belonging to such company, whether attended with personal injury or not, in such form and manner as the Minister deems necessary and requires for his information with a view to the public safety.

304. If the returns required under the two sections next preceding, so verified, are not delivered within the respective times in the said sections prescribed, or within fourteen days after the same have been so required by the Minister, every company which makes default in so doing shall forfeit to Her Majesty the sum of one hundred dollars for every day during which the company neglects to deliver the same.

Penalty for not transmitting return.

305. All returns made in pursuance of any of the provisions of the seven sections of this Act next preceding shall be privileged communications and shall not be evidence in any court whatsoever.

Returns privileged, communications.

CERTAIN RAILWAYS DECLARED WORKS FOR GENERAL ADVANTAGE OF CANADA.

306. The Intercolonial Railway, the Grand Trunk Railway, the North Shore Railway, the Northern Railway, the Hamilton and North-Western Railway, the Canada Southern Railway, the Great Western Railway, the Credit Valley Railway, the Ontario and Quebec Railway, and the Canadian Pacific Railway, are hereby declared to be works for the general advantage of Canada, and each and every branch line or railway now or hereafter connecting with or crossing the said lines of railway, or any of them, is a work for the general advantage of Canada.

Certain railways declared to be works for advantage of Canada.

307. Every such railway and branch line shall hereafter be subject to the legislative authority of the Parliament of Canada; but the provisions of any Act of the Legislature of any Province of Canada, passed prior to the twenty-fifth day of May, one thousand eight hundred and eighty-three, relating to any such railway or branch line, and in force at that date, shall remain in force so far as they are consistent with any Act of the Parliament of Canada passed after that date.

To be subject to legislative authority of Parliament.

308. The Governor General may, at any time and from time to time, by proclamation or proclamations, confirm any one or more of the Acts of the Legislature of any Province of Canada, passed before the passing of this Act, relating to any railway which, by any Act of the Parliament of Canada, has been declared to be a work for the general advantage of Canada, and from and after the date of any such proclamation the Act or Acts thereby declared to be confirmed shall be confirmed, ratified and made as valid and effectual as if

Certain Acts of Provincial Legislatures may be confirmed.

Effect of such
confirmation.

the same had been duly enacted by the Parliament of Canada. All acts, matters and things which have been or may hereafter be done under any Act which may be so confirmed by proclamation and which might lawfully have been done if such Act or Acts which shall be so confirmed by proclamation had been within the competence of the respective legislatures by which the same were adopted, shall be ratified and confirmed and made as good and valid as if such Act or Acts had, at the several dates at which the same purport respectively to have come into force, been enacted by the Parliament of Canada.

REPEAL.

Repeal, R.S.
O., c. 109;
50-51 V., c. 19.

309. This Act shall be substituted for the Revised Statutes, chapter one hundred and nine, which with the Act fifty and fifty-one Victoria, Chapter nineteen, intituled "*An Act to amend the Railway Act*," is hereby repealed.

SCHEDULE ONE

Form of yearly returns to the Minister of Railways and Canals, required from railway companies under "*The Railway Act*."

RETURNS made by the (*corporate name of the Company*) in pursuance of "*The Railway Act*," for the period included between the (*insert the day to which the last returns extend, or the date of the commencement of operations, as the case may be*), to the last day of June, in the year 18 .

LOCATION AND GENERAL DESCRIPTION OF RAILWAY,

Showing the county or counties through which the railway runs, the terminal points, connections, if any, and giving a general description of the line and the country through which it passes.

Statement containing copies of all contracts made by the Company, for the construction of any part of the railway.

RETURNS of the Capital Account of the said Railway, and the Revenue and Expenditure, &c.

No. 1.—CAPITAL ACCOUNT.

	Autho- rized.	Sub- scribed.	Paid up.	*Rate of Interest or Dividend.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Total amount of ordinary share capital.....				
do of preference share capital....				
do do				
do do				
do do				
do of ordinary bonds.				
do do				
do do				
do do				
do do				
do of Government loans				
do do bonuses				
do do subscription to shares				
do do subscription to bonds				
do of municipal loans				
do do bonuses				
do do subscription to shares				
do do subscription to bonds				
do from other sources				
Total capital				

* State whether dividend is cumulative or not.

This statement must agree with the totals shown in the report of the company, a copy of which is to be transmitted also. If there are more issues of preference shares or bonds than one, state them, and the amount of each class.

If any floating debt exists it must be stated, so as to make the total agree with the published report.

No. 2.—LOANS OR BONUSES FROM GOVERNMENTS OR MUNICIPALITIES.

From what source.	Amount of Loan Granted.	Amount of Bonus Granted.	Amount of Sub- scription to Shares.	Amount of Sub- scription to Bonds.	Rate of Interest.	Date of Repay- ment.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Governments						
Total.....						
Municipalities						
Total.....						

No. 3.—BONDS OR OTHER SECURITIES NEGOTIATED BY THE COMPANY.

Amounts.	Rate of Interest.	Date of Sale.	Prices Realized.
\$ cts.	\$ cts.	\$ cts.	\$ cts.

No. 4.—SALES OF LAND MADE BY THE COMPANY.

Acres Sold.	Price per Acre.	Amount.
	\$ cts.	\$ cts.

No. 5.—FLOATING DEBT.

Amount.	Rate of Interest.	Remarks.
\$ cts.	\$ cts.	

No. 6.—CHARACTERISTICS OF ROAD, &c

OWNED.			Miles.
* Length of main line from	to.....		
do branch from	to.....		
do do	to.....		
do do	to.....		
do do	to.....		
LEASED.			
Length of railway from.....	to.....		
do do	to.....		
do do	to.....		
do do	to.....		
Total mileage worked.....			
Length of road laid with iron rails			
do do steel rails.....			
do of sidings.....			
do of double track (if any)			
Weight of rail per yard, main line, iron.....		Lbs.	
do do do steel		do	
do do branches, iron.....		do	
do do do steel		do	
Number of engine houses and shops.....			
do of engines owned by Company.....			
do do hired			
do of first-class passenger cars owned by Company.....			
do do do hired			
do of second-class and emigrant cars owned by Company.....			
do do do hired			
do of baggage, mail and express cars owned by Company.....			
do do do hired			
Number of cattle and box freight cars owned by Company			
do do do hired			
do of platform cars owned by Company			
do do do hired.....			
do of coal cars owned by Company			
do do do hired			
do of ties to mile, main line			
do do branches.....			
Nature of fastenings used to secure joint of rail.....			
Number of grain elevators.....			
† Capacity of do at			
do do			
do do			
Number of level road crossings at which watchmen are employed.....			
do do without watchmen.....			
do of overhead bridges.....			
Height of do above rail level.....			
Number of level crossings of other railways			
do of junctions with other railways			
do do branch lines			
Radius of sharpest curve			
Number of feet per mile of heaviest gradient.....			
Gauge of railway			

No. 7.—ACTUAL COST OF RAILWAY AND ROLLING STOCK.

	\$	cts.
1. Cost of land and land damages.....		
2. Cost in connection with the administration of the Land Grant in aid, if any.....		
3. Cost of grading, masonry and bridging, station buildings, &c.....		
4. Cost of rolling stock of all kinds, including workshops.....		
Total.....		

The above total to show the real cash cost of construction and rolling stock.

* If the line, or any portion of it, is under construction, the length being constructed to be given.

† State where these are situated, and the capacity of each.

No. 8.—OPERATIONS OF THE YEAR AND NUMBER OF MILES RUN.

- | | | |
|-----|---|--|
| 1. | Miles run by passenger trains | |
| 2. | do freight trains | |
| 3. | do mixed trains..... | |
| 4. | Total miles run by trains | |
| 5. | do engines | |
| 6. | Total number of passengers carried | |
| 7. | do tons of freight (of 2,000 lbs.) carried | |
| 8. | Average rate of speed of passenger trains..... | |
| 9. | do freight trains..... | |
| 10. | Average weight of passenger trains in motion..... | |
| 11. | do freight trains in motion..... | |

No. 9.—DESCRIPTION OF FREIGHT CARRIED.

	Weight in Tons.
1. Flour in barrels, No.....	
2. Grain in bushels, No.....	
3. Live stock, No.....	
4. Lumber of all kinds, excepting firewood, ft.....	
5. Firewood, number of cords of 128 cubic ft.....	
6. Manufactured goods.....	
7. All other articles.....	
Total weight carried.....	

No. 10.—EARNINGS OF THE RAILWAY.

	\$ cts.
1. From passenger traffic.....	
2. From freight traffic.....	
3. From mails and express freight.....	
4. From other sources.....	
Total.....	

No. 11.—GENERAL TARIFF OF TOLLS ESTABLISHED BY THE COMPANY.

No. 12.—SPECIAL RATES OF TOLLS ESTABLISHED BY THE COMPANY.

No. 13, A.—OPERATING EXPENSES—MAINTENANCE OF LINE, BUILDINGS, &c.

	\$	cts.
1. Wages, &c., of labor employed on track, including sidings		
2. Cost of iron rails and fastenings		
3. do steel do		
4. Ballasting		
5. Repairs of bridges and culverts		
6. do and renewals of buildings		
7. do of fencing.....		
8. Clearing snow		
9. Engineering superintendence		
Total.....		

No. 13, B.—OPERATING EXPENSES—WORKING AND REPAIRS OF ENGINES.

	\$	cts.
1. Wages of engineers, firemen and cleaners.....		
2. Cost of coal for fuel		
do wood do		
3. Repairs of engines and tenders.....		
4. Oil, tallow, waste, &c., for engines		
5. Pumping engines		
6. Repairs of tools and machinery		
7. Superintendence		
Total.....		

No. 13, C.—WORKING AND REPAIRS OF CARS.

	\$	cts.
1. Wages and material for repairs of passenger cars.....		
2. do do freight cars and snow ploughs...		
3. Superintendence.....		
Total.....		

No. 13, D.—OPERATING EXPENSES—GENERAL AND OPERATING CHARGES.

	\$	cts.
1. Office expenses, including directors, auditors, management, travelling expenses, stationery, &c.....		
2. Station agents, clerks, porters, &c.....		
3. Conductors, baggagemen and brakemen.....		
4. Compensation for personal injuries.....		
5. Loss or damage to freight.....		
6. Cattle killed.....		
7. Cost of ferries and ferry-boats.....		
8. Cost of foreign agencies.....		
9. Small stores, including lights, lamps and signals.....		
10. All other charges.....		
11.		
12.		
13.		
Total.....		

Blanks are left for any other items of expenditure not included above.

No. 14.—SUMMARY OF OPERATING EXPENSES.

	\$	cts.
A. Maintenance of line, buildings, &c.....		
B. Cost of working and repairs to engines.....		
C. do do cars.....		
D. do general operating expenses.....		
Total cost of operating railway.....		

The above statement to include the full cost of operating the railway, and the total to correspond with the published return of the Company.

No. 15.—ACCIDENTS.

Cause of Accident.	Passengers.		Employees.		Others.		Total.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Fell from cars or engines.....								
Jumping on or off trains or engines when in motion.....								
Walking, standing, lying, sitting or being on track.....								
At work on or near the track, making up trains.....								
Putting arms or heads out of windows.....								
Coupling cars.....								
Collisions, or by trains thrown from track.....								
Explosions.....								
Striking bridges.....								
Total.....								

The following is a Statement of the date of each Accident, the place where it occurred, the train, the cause of the Accident, the extent of the injury to each person injured, and the name of such person.

Date.	Name and Place.	Nature of Accident or Cause.

**No 16.—NAMES AND RESIDENCES OF DIRECTORS AND
OFFICERS OF THE COMPANY.**

Names of Directors.	Residence.
President Secretary and Treasurer. ... General Manager Engineer Superintendent	

The following is the official name and address of the Company :—

SCHEDULE TWO.

.....Railway of Canada.

**RETURN of Traffic for the week ending 18
and the corresponding week, 18 .**

Date.	Passengers.	Freight and Live Stock.	Mails and Sundries.	Total.	Miles Open.
18
18

Increase.....

Decrease.....

Aggregate Traffic from.....18.....

Date.	Passengers.	Freight and Live Stock.	Mails and Sundries.	Total.	Miles Open.
18
18

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51 VICTORIA.

CHAP. 30.

An Act respecting a certain Treaty between Her Britannic Majesty and the President of the United States.

[Assented to 4th May, 1888.]

WHEREAS the treaty set forth in Schedule A to this Act, Preamble.
has been agreed upon between plenipotentiaries appointed by Her Majesty and by the President of the United States, and it is expedient that provision should be made by legislative enactment for giving effect to the same: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may may be cited as “*The Treaty of Washington Act, 1888.*” Short title.

2. In this Act the expression “the treaty” means the Convention set forth in Schedule A hereto. Interpretation.
“The treaty.”

3. The treaty is hereby assented to. Treaty assented to.

4. United States fishing vessels entering the bays or harbors on the Atlantic coasts of Canada as to which the privilege of entering for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water was reserved to American fishermen under the convention between His late Majesty King George the Third and the United States of America, dated the twentieth day of October, one thousand eight hundred and eighteen, shall conform to harbor regulations common to them and to fishing vessels of Canada, but shall not be required to report, enter or clear at the Customs when putting into such bays or harbors for shelter or for repairing damages, nor when putting into the same, outside the limits of established ports of entry, for the purpose of purchasing wood or obtaining water; except that any United States fishing vessel entering the said bays or harbors for any of the purposes aforesaid and remaining more than United States vessels to conform to certain regulations.
But exempt from certain other requirements.
Exception.

Information
to be given.

twenty-four hours, exclusive of Sundays and legal holidays, within any such port, or communicating with the shore therein, shall report, enter and clear as if this Act had not been passed; but no provision in this section contained shall extend to excuse any person on board of any such vessel from giving to boarding officers any information required by law to be given.

To be exempt
from certain
dues.

5. Notwithstanding anything contained in "*The Pilotage Act*" or in any regulations made by any pilotage authority thereunder, no United States fishing vessel shall be liable on entering the bays or harbors referred to in article one of the treaty to any compulsory pilotage dues; nor when therein for the purpose of shelter, of repairing damages, of purchasing wood or obtaining water, shall they be liable for harbor dues, tonnage dues, buoy dues, light dues or other similar dues: Provided always, that the enumeration in this section above set forth shall not permit other charges inconsistent with the enjoyment of the liberties reserved or secured by the said Convention of the twentieth day of October, one thousand eight hundred and eighteen, between His late Majesty King George the Third and the United States of America.

Proviso:
liberties spe-
cified not af-
fected.

What privi-
leges may be
exercised by
vessels enter-
ing ports un-
der stress of
weather.

6. Any United States fishing vessel entering the ports, bays and harbors of the eastern and north-eastern coasts of Canada under stress of weather or in consequence of any casualty, may unload, reload, tranship or sell, (subject to Customs laws and regulations) all fish on board, when such unloading, transshipment or sale is necessary as incidental to repairs, and may replenish outfits, provisions and supplies damaged or lost by disaster; and in case of death or sickness any such vessel shall be allowed all needful facilities, including the shipping of crews.

Licenses to be
granted.

7. The Minister of Marine and Fisheries and any officers of the Government of Canada whom he may authorize for that purpose, shall grant promptly, and upon application, and without charge, licenses to United States fishing vessels to purchase in established ports of entry of the aforesaid coasts of Canada, for the homeward voyage, such provisions and supplies as are ordinarily sold to trading vessels, and any such vessel, having obtained a license in the manner aforesaid, shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to trading vessels: Provided always, that no such provisions or supplies shall be obtained by barter, or purchased for resale or traffic. Such licenses may be in any form to be approved by the Governor in Council.

Proviso.

Form.

What vessels
only entitled
to license.

8. No United States fishing vessel shall be entitled to receive any such license as in the next preceding section, mentioned

mentioned, unless such vessel has conformed to the provisions of article thirteen of the treaty.

9. Notwithstanding anything contained in the "*Act respecting fishing by foreign vessels*" the penalty for preparing, in the waters, bays, creeks and harbors (as to which the United States by the aforesaid Convention of one thousand eight hundred and eighteen renounced any liberty previously enjoyed or claimed by the inhabitants thereof to take, dry or cure fish) to unlawfully fish in such waters shall be in the discretion of the court mentioned in the said Act, but shall not exceed that prescribed by the said Act for unlawfully fishing therein; and for any violation of the laws of Great Britain or of Canada relating to the right of fishery in such waters, bays, creeks or harbors, other than the offence of preparing to fish as aforesaid, and other than the offence of unlawfully fishing therein,—to which latter offence the existing penalties shall continue to apply,—penalties may be imposed by the court not exceeding in all three dollars for every ton of the boat or vessel concerned, and the boat or vessel shall be holden therefor and shall be made answerable for such penalty according to the procedure and practice of the court.

Penalty for preparing to fish; R.S.O. c. 94.

As to other violations.

10. All proceedings for the recovery of any penalty or the enforcement of any forfeiture under this Act or under the "*Act respecting fishing by foreign vessels*" shall be conducted in a summary manner and shall be as inexpensive as practicable; and every suit, action or proceeding for the recovery of any such penalty or the enforcement of any such forfeiture shall, except as respects the appeal hereinafter provided for, be tried or heard by the proper Court of Vice-Admiralty at the place where the boat or vessel concerned is detained, unless the judge of such court, on application on the part of the defence, shall order the case to be tried at some other place adjudged by him to be more convenient:

Proceedings to be summary.

Venue.

2. No security for costs shall be required on the part of the defence except when bail is offered; in all cases such bail as the court deems reasonable shall be accepted, according to the practice of the court:

Security for costs, and bail.

3. An appeal shall lie, at the instance of the person accused only, from the Court of Vice-Admiralty to the Supreme Court of Canada; and on every such appeal the evidence adduced at the trial of the case before the Court of Vice-Admiralty may be used.

Appeal.

11. All judgments involving forfeiture shall be reviewed by the Governor in Council before the same are carried into effect.

Review by Governor in Council.

On removal of
U.S. duties
on fish, &c.,
reciprocal
free importa-
tion thereof.

12. Whenever the United States by law remove the duties payable on the entry into the United States of fish oil, whale oil, seal oil and fish of all kinds (except fish preserved in oil), being the produce of fisheries carried on by the fishermen of Canada, as well as from the usual and necessary casks, barrels, kegs, cans and other usual and necessary coverings containing the products above mentioned, the like products, being the produce of fisheries carried on by the fishermen of the United States, as well as the usual and necessary coverings of the same as above described, shall be admitted free of duty into Canada :

Other privi-
leges in such
case.

2. Upon such removal of duties, and so long as the aforesaid articles are allowed to be carried into the United States by all subjects of Her Majesty, without duty being re-imposed thereon, and so long as like privileges are continued or given to fishing vessels of Canada on the Atlantic coasts of the United States, the privilege of entering the ports, bays and harbors of the coasts of Canada aforesaid, shall be accorded to United States fishing vessels by annual licenses, free of charge, for the following purposes :—

Provisions,
&c.

(a.) The purchase of provisions, bait, ice, seines, lines and all other supplies and outfits ;

Tranship-
ment.

(b.) Transhipment of catch for transport by any means of conveyance ;

Crews.

(c.) Shipping of crews :

No barter.

3. In such case no supplies shall be obtained by barter, but bait may be so obtained.

When Act
shall come
into force.

13. The foregoing provisions of this Act shall come into force and take effect from and after a day to be named by proclamation of the Governor General.

Privileges ac-
corded for a
limited time.

14. For the purpose of carrying into effect the protocol set forth in Schedule B to this Act it is hereby enacted that pending the exchange of ratifications mentioned in article sixteen of the treaty, and for a period not exceeding two years from the fifteenth day of February, one thousand eight hundred and eighty-eight, the privilege of entering the bays and harbors of the Atlantic coasts of Canada shall be granted to United States fishing vessels by annual licenses at a fee of one dollar and fifty cents per ton, for the following purposes :—

Licenses.

(a.) The purchase of bait, ice, seines, lines and all other supplies and outfits ;

(b.) Transhipment of catch and shipping of crews :

Provision in
case of reci-
procal trade.

2. If during the continuance of such arrangement the United States remove the duties on fish, fish oil, whale oil and seal oil, as well as on the necessary casks, barrels, kegs, cans and other usual and necessary coverings containing them, as in section twelve of this Act set forth, such licenses

shall be issued free of charge by such officers and in such form as the Governor in Council may determine :

3. No United States fishing vessel entering the bays and harbors of the Atlantic coast of Canada for any of the four purposes mentioned in article one of the Convention of the twentieth day of October, one thousand eight hundred and eighteen, and not remaining therein more than twenty-four hours, shall be required to enter or clear at the Customs, provided that such vessel does not communicate with the shore :

As to entering or clearing at custom house.

4. No United States fishing vessel shall be subject to forfeiture under the "*Act respecting fishing by foreign vessels*" except for the offences of fishing or preparing to fish in the waters referred to in section nine of this Act :

Forfeiture for certain offences only.

5. This section shall cease to have any force or effect if the treaty is rejected by the Senate of the United States, and if by proclamation the Governor General declares this section to be no longer in operation. The day from and after which, in such case, this section shall cease to have force and effect shall be a day to be named in such proclamation.

When this section shall cease to have effect.

SCHEDULE A.

Whereas differences have arisen concerning the interpretation of Article I of the Convention of October 20, 1818; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, being mutually desirous of removing all causes of misunderstanding in relation thereto, and of promoting friendly intercourse and good neighborhood between the United States and the Possessions of Her Majesty in North America, have resolved to conclude a treaty to that end, and have named as their Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, The Right Hon. Joseph Chamberlain, M. P.; The Honorable Sir Lionel Sackville Sackville-West, K. C. M. G., Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America; and Sir Charles Tupper, G. C. M. G., C. B., Minister of Finance of the Dominion of Canada :

And the President of the United States, Thomas F. Bayard, Secretary of State; William L. Putnam, of Maine; and James B. Angell, of Michigan;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles :

ARTICLE I.

☐ The High Contracting Parties agree to appoint a Mixed Commission to delimit, in the manner provided in this treaty,

treaty, the British waters, bays, creeks and harbors of the coasts of Canada and of Newfoundland, as to which the United States, by Article I of the Convention of October 20, 1818, between Great Britain and the United States, renounced for ever any liberty to take dry or cure fish.

ARTICLE II.

The Commission shall consist of two Commissioners to be named by Her Britannic Majesty, and of two Commissioners to be named by the President of the United States, without delay, after the exchange of ratifications of this treaty.

The Commission shall meet and complete the delimitation as soon as possible thereafter.

In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act as such, the President of the United States or Her Britannic Majesty, respectively, shall forthwith name another person to act as Commissioner instead of the Commissioner originally named.

ARTICLE III.

The delimitation referred to in Article I of this treaty shall be marked upon British Admiralty charts by a series of lines regularly numbered and duly described. The charts so marked shall, on the termination of the work of the Commission, be signed by the Commissioners in quadruplicate, three copies whereof shall be delivered to Her Majesty's Government, and one copy to the Secretary of State of the United States. The delimitation shall be made in the following manner, and shall be accepted by both the High Contracting Parties as applicable for all purposes under Article I of the Convention of October 20, 1818, between Great Britain and the United States:—

The three marine miles mentioned in Article I of the Convention of October 20, 1818, shall be measured seaward from low water mark; but at every bay, creek, or harbor, not otherwise specially provided for in this treaty, such three marine miles shall be measured seaward from a straight line drawn across the bay, creek, or harbor in the part nearest the entrance at the first point where the width does not exceed ten marine miles.

ARTICLE IV.

At or near the following bays the limits of exclusion under Article I of the Convention of October 20, 1818, at points more than three marine miles from the low water mark, shall be established by the following lines, namely:

At the Baie des Chaleurs the line from the Light at Birch Point on Miscou Island to Macquereau Point Light; at the Bay of Miramichi, the line from the Light at Point Escum-

inac to the Light on the Eastern Point of Tabusintac Gully ; at Egmont Bay, in Prince Edward Island, the line from the Light at Cape Egmont to the Light at West Point ; and off St. Ann's Bay, in the Province of Nova Scotia, the line from Cape Smoke to the Light at Point Aconi.

At Fortune Bay, in Newfoundland, the line from Connaigre Head to the Light on the South-easterly end of Brunet Island, thence to Fortune Head ; at Sir Charles Hamilton Sound, the line from the South-east point of Cape Fogo to White Island, thence to North end of Peckford Island, and from the South end of Peckford Island to the East Headland of Ragged Harbor.

At or near the following bays the limits of exclusion shall be three marine miles seaward from the following lines, namely :

At or near Barrington Bay, in Nova Scotia, the line from the Light on Stoddard Island to the Light on the South Point of Cape Sable, thence to the Light at Baccaro Point ; at Chedabucto and St. Peter's Bays, the line from Cranberry Island Light to Green Island Light, thence to Point Rouge ; at Mira Bay, the line from the Light on the East Point of Scatari Island to the North-easterly Point of Cape Morien ; and at Placentia Bay, in Newfoundland, the line from Latine Point, on the Eastern mainland shore, to the most Southerly Point of Red Island, thence by the most Southerly Point of Merasheen Island to the mainland.

Long Island and Bryer Island, at St. Mary's Bay, in Nova Scotia, shall, for the purpose of delimitation, be taken as the coasts of such bay.

ARTICLE V.

Nothing in this treaty shall be construed to include within the common waters any such interior portions of any bays, creeks or harbors as cannot be reached from the sea without passing within the three marine miles mentioned in Article I of the Convention of October 20, 1818.

ARTICLE VI.

The Commissioners shall, from time to time, report to each of the High Contracting Parties such lines as they may have agreed upon, numbered, described, and marked as herein provided, with quadruplicate charts thereof ; which lines so reported shall forthwith from time to time be simultaneously proclaimed by the High Contracting Parties, and be binding after two months from such proclamation.

ARTICLE VII.

Any disagreement of the Commissioners shall forthwith be referred to an Umpire selected by Her Britannic Majesty's Minister at Washington and the Secretary of State of the United States ; and his decision shall be final.

ARTICLE VIII.

Each of the High Contracting Parties shall pay its own Commissioners and officers. All other expenses jointly incurred, in connection with the performance of the work, including compensation to the Umpire, shall be paid by the High Contracting Parties in equal moieties.

ARTICLE IX.

Nothing in this treaty shall interrupt or affect the free navigation of the Strait of Canso by fishing vessels of the United States.

ARTICLE X.

United States fishing vessels entering the bays or harbors referred to in Article I of this treaty shall conform to harbor regulations common to them and to fishing vessels of Canada or Newfoundland.

They need not report, enter, or clear, when putting into such bays or harbors for shelter or repairing damages, nor when putting into the same, outside the limits of established ports of entry, for the purpose of purchasing wood or of obtaining water; except that any such vessel remaining more than twenty-four hours, exclusive of Sundays and legal holidays, within any such port, or communicating with the shore therein, may be required to report, enter, or clear; and no vessel shall be excused hereby from giving due information to boarding officers.

They shall not be liable in such bays or harbors for compulsory pilotage; nor, when therein for the purpose of shelter, of repairing damages, of purchasing wood, or of obtaining water, shall they be liable for harbor dues, tonnage dues, buoy dues, light dues or other similar dues; but this enumeration shall not permit other charges inconsistent with the enjoyment of the liberties reserved or secured by the Convention of October 20, 1818.

ARTICLE XI.

United States fishing vessels entering the ports, bays and harbors of the Eastern and North-eastern coasts of Canada or of the coasts of Newfoundland under stress of weather or other casualty, may unload, reload, tranship or sell, subject to Customs laws and regulations, all fish on board, when such unloading, transshipment or sale is made necessary as incidental to repairs, and may replenish outfits, provisions and supplies damaged or lost by disaster; and in case of death or sickness shall be allowed all needful facilities, including the shipping of crews.

Licenses to purchase in established ports of entry of the aforesaid coasts of Canada or of Newfoundland, for the

homeward voyage, such provisions and supplies as are ordinarily sold to trading vessels, shall be granted to United States fishing vessels in such ports promptly upon application and without charge, and such vessels, having obtained licenses in the manner aforesaid, shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to trading vessels; but such provisions or supplies shall not be obtained by barter, nor purchased for re-sale or traffic.

ARTICLE XII.

Fishing vessels of Canada and Newfoundland shall have on the Atlantic coasts of the United States all the privileges reserved and secured by this Treaty to United States fishing vessels in the aforesaid waters of Canada and Newfoundland.

ARTICLE XIII.

The Secretary of the Treasury of the United States shall make regulations providing for the conspicuous exhibition by every United States fishing vessel, of its official number on each bow; and any such vessel, required by law to have an official number, and failing to comply with such regulations, shall not be entitled to the licenses provided for in this treaty.

Such regulations shall be communicated to Her Majesty's Government previously to their taking effect.

ARTICLE XIV.

The penalties for unlawfully fishing in the waters, bays, creeks, and harbors, referred to in Article I of this treaty, may extend to forfeiture of the boat or vessel and appurtenances, and also of the supplies and cargo aboard when the offence was committed; and for preparing in such waters to unlawfully fish therein, penalties shall be fixed by the court, not to exceed those for unlawfully fishing; and, for any other violation of the laws of Great Britain, Canada, or Newfoundland relating to the right of fishery in such waters, bays, creeks, or harbors, penalties shall be fixed by the court, not exceeding in all three dollars for every ton of the boat or vessel concerned. The boat or vessel may be holden for such penalties and forfeitures.

The proceedings shall be summary and as inexpensive as practicable. The trial (except on appeal) shall be at the place of detention, unless the judge shall, on request of the defence, order it to be held at some other place adjudged by him more convenient. Security for costs shall not be required of the defence, except when bail is offered. Reasonable bail shall be accepted. There shall be proper appeals available to the defence only; and the evidence at the trial may be used on appeal.

Judgments of forfeiture shall be reviewed by the Governor General of Canada in Council, or the Governor in Council of Newfoundland, before the same are executed.

ARTICLE XV.

Whenever the United States shall remove the duty from fish-oil, whale-oil, seal-oil, and fish of all kinds (except fish preserved in oil), being the produce of fisheries carried on by the fishermen of Canada and of Newfoundland, including Labrador, as well as from the usual and necessary casks, barrels, kegs, cans, and other usual and necessary coverings containing the products above mentioned, the like products, being the produce of fisheries carried on by the fishermen of the United States, as well as the usual and necessary coverings of the same, as above described, shall be admitted free of duty into the Dominion of Canada and Newfoundland.

And upon such removal of duties, and while the aforesaid articles are allowed to be brought into the United States by British subjects, without duty being reimposed thereon, the privilege of entering the ports, bays and harbors of the aforesaid coasts of Canada and of Newfoundland shall be accorded to United States fishing vessels by annual licenses, free of charge, for the following purposes, namely :

1. The purchase of provisions, bait, ice, seines, lines and all other supplies and outfits ;
2. Transhipment of catch, for transport by any means of conveyance ;
3. Shipping of crews.

Supplies shall not be obtained by barter, but bait may be so obtained.

The like privileges shall be continued or given to fishing vessels of Canada and of Newfoundland on the Atlantic coasts of the United States.

ARTICLE XVI.

This treaty shall be ratified by Her Britannic Majesty, having received the assent of the Parliament of Canada and of the Legislature of Newfoundland ; and by the President of the United States, by and with the advice and consent of the Senate ; and the ratifications shall be exchanged at Washington as soon as possible.

In faith whereof, We, the respective Plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.
Done in duplicate at Washington, this fifteenth day of February, in the year of Our Lord one thousand eight hundred and eighty-eight.

SCHEDULE B.

PROTOCOL.

The treaty having been signed the British Plenipotentiaries desire to state that they have been considering the position which will be created by the immediate commencement of the fishing season before the treaty can possibly be ratified by the Senate of the United States, by the Parliament of Canada, and the Legislature of Newfoundland.

In the absence of such ratification the old conditions which have given rise to so much friction and irritation might be revived, and might interfere with the unprejudiced consideration of the treaty by the legislative bodies concerned.

Under these circumstances, and with the further object of affording evidence of their anxious desire to promote good feeling and to remove all possible subjects of controversy, the British Plenipotentiaries are ready to make the following temporary arrangement for a period not exceeding two years, in order to afford a *modus vivendi* pending the ratification of the treaty.

1. For a period not exceeding two years from the present date, the privilege of entering the bays and harbors of the Atlantic coasts of Canada and of Newfoundland shall be granted to United States fishing vessels by annual licenses at a fee of \$1.50 per ton—for the following purposes :—

The purchase of bait, ice, seines, lines, and all other supplies and outfits ;

Transshipment of catch and shipping of crews.

2. If during the continuance of this arrangement, the United States should remove the duties on fish, fish-oil, whale and seal oil (and their coverings, packages, &c.), the said licenses shall be issued free of charge.

3. United States fishing vessels entering the bays and harbors of the Atlantic coasts of Canada or of Newfoundland for any of the four purposes mentioned in Article I of the Convention of October 20, 1818, and not remaining therein more than twenty-four hours, shall not be required to enter or clear at the Custom house, providing that they do not communicate with the shore.

4. Forfeiture to be exacted only for the offences of fishing or preparing to fish in territorial waters.

5. This arrangement to take effect as soon as the necessary measures can be completed by the colonial authorities.

J. CHAMBERLAIN.

L. S. SACKVILLE-WEST.

CHARLES TUPPER.

WASHINGTON, 15th February, 1888.



51 VICTORIA.

CHAP. 31.

An Act respecting the International Convention for the Preservation of Submarine Telegraph Cables.

[Assented to 22nd May, 1888.]

Preamble.

WHEREAS on the fourteenth day of March, one thousand eight hundred and eighty-four, a Convention, in relation to the preservation of submarine telegraph cables, was entered into by the several Powers in the said Convention mentioned; and whereas by the said Convention it is provided that the same shall not be applicable, among other colonies and possessions of Her Majesty, to the Dominion of Canada until the same has been acceded to and confirmed by Canada; and whereas it is expedient to make provision for that purpose: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as "*The Submarine Telegraph Act, 1888.*"

Interpretation.
"Vessel."

2. In this Act, unless the context otherwise requires,—
(a.) The expression "vessel" means every description of vessel used in navigation, in whatever way it is propelled; and every reference to a vessel includes a reference to any boat belonging to such vessel;

"Master."

(b.) The expression "master" includes every person having command or charge of a vessel;

"Convention."

(c.) The expression "Convention" means the Convention set forth in Schedule A to this Act.

Convention ratified.

3. The Convention of the fourteenth day of March, one thousand eight hundred and eighty-four, which is set forth in the Schedule A to this Act, is hereby acceded to and confirmed, and subject to the provisions of this Act the articles of the said Convention shall be of the like force and effect as if they were herein enacted, in so far as it is competent for the Parliament of Canada to enact the same.

4. Every person who wilfully and wrongfully, or by culpable negligence, breaks or injures, or wilfully and wrongfully attempts to break or injure, any submarine cable to which the Convention for the time being applies, in such manner as might interrupt or obstruct telegraphic communication in whole or in part, is guilty of a misdemeanor ; and—

Penalty for
injuring
cable.

(a.) If he acted wilfully and wrongfully, is liable to imprisonment for any term not exceeding five years or to a penalty not exceeding five hundred dollars, or to both ; and—

If done wil-
fully.

(b.) If he acted with culpable negligence, is liable to imprisonment for any term not exceeding three months or to a penalty not exceeding two hundred dollars, or to both :

If done by
culpable neg-
ligence.

2. If any person does any act with the object of preserving the life or limb of himself or of any other person, or of preserving the vessel to which he belongs or any other vessel, and takes all reasonable precautions to avoid injury to a submarine cable, such person shall not be deemed to have acted wilfully and wrongfully within the meaning of this section :

Saving clause
as to preser-
vation of life
or of vessel.

3. A person shall not be deemed to have wilfully and wrongfully broken or injured any submarine cable when, in a *bona fide* attempt to repair another submarine cable, injury has been done to such first mentioned cable, or the same has been broken ; but this provision shall not apply to exempt such person from any liability to which he may be subject, to pay the cost of repairing such breakage or injury.

Saving clause
as to repairs.

5. The Governor General may, by proclamation, declare any regulations made by Her Majesty for the carrying into effect of articles five and six of the Convention, under the authority of section five of the Act of the Parliament of the United Kingdom known as "*The Submarine Telegraph Act, 1885*," to be in force in Canada ; and such regulations being published in the *Canada Gazette* shall have force and effect as if herein enacted :

Certain Im-
perial regula-
tions may be
proclaimed in
force in Can-
ada.

2. If any vessel engaged in the laying or repairing of a submarine cable to which the Convention for the time being applies, interferes, contrary to any such regulation or the said articles, with any vessel engaged in fishing, or if the operations of any vessel in connection with any such submarine cable are wilfully delayed so as to interfere with sea-fishing, the master of the vessel or the owner thereof, if it appears that he was in fault, shall, on summary conviction before two justices of the peace, for each contravention incur a penalty not exceeding two hundred dollars and not less than twenty dollars.

Penalty in
case of a
cable vessel
interfering
with sea fish-
ing.

6. For the purpose of carrying the Convention into effect any officer commanding any vessel belonging to or in the service of the Government of Canada, or a ship of war of Her Majesty or of any foreign State for the time being

Powers conferred upon
commanders
of certain ves-
sels.

bound by the convention, or a ship specially commissioned for the purposes of the Convention by Her Majesty or by the Government of such foreign State, may exercise and perform the powers and duties vested in and imposed on such officer by any article of the Convention :

Penalty for obstructing or disobeying such officers.

2. Every person who obstructs any such officer in such exercise or performance, or who refuses or neglects to comply with any demand or direction lawfully made or given by him in pursuance of this Act, is liable, on summary conviction before two justices of the peace, to imprisonment for a term not exceeding two months, with or without hard labor, or a penalty not exceeding two hundred and fifty dollars :

Limitation of actions against such officers.

3. No action, prosecution or proceeding against any officer for any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act, shall lie or be instituted unless it is commenced within twelve months after the act, neglect or default complained of.

Certain documents made evidence.

7. Any document drawn up in pursuance of article seven or article ten of the Convention shall be admissible in any proceeding as *primâ facie* evidence of the facts or matters therein stated :

Facts which may be certified in such documents.

2. If evidence contained in any such document was taken on oath in the presence of the person charged in such evidence, and such person had an opportunity of cross-examining the person giving such evidence and of making his reply to such evidence, the officer drawing up such document may certify the said facts, or any of them :

Presumption as to signature.

3. Any document or certificate in this section mentioned purporting to be signed by an officer authorized to act under the Convention for carrying the same into effect, shall be admissible in evidence without proof of such signature, and, if purporting to be signed by any other person, shall, if certified by any such officer to have been so signed, be deemed until the contrary is proved to have been signed by such other person.

Master's responsibility for vessel or boat.

8. If any offence against this Act has been committed by means of a vessel, or of any boat belonging to a vessel, the master of such vessel shall, until some other person is shown to have been in charge of and navigating such vessel or boat, be deemed to have been in charge of and navigating the same, and be liable to be punished accordingly.

Actions to be brought in name of Crown.

9. Every prosecution, suit or action for the recovery or the enforcement of any penalty under this Act, shall be instituted in the name of Her Majesty.

Provision as to cumulation of punish-

10. The provisions of this Act shall, apply to all infractions of the terms thereof committed, whether on land or at

sea, within the jurisdiction of any court of Canada, and shall be in addition to and not in derogation of any other provisions existing at common law or under any Act of the Parliament of Canada for the protection of submarine cables; and nothing in this Act shall prevent any person from being liable under any Act of Parliament, or otherwise, to any indictment, proceeding, punishment, or penalty other than is provided for any offence against this Act, so that no person shall be punished twice for the same offence; and nothing in this Act, nor any proceedings with respect to any matter, shall exempt a person from any liability in any action or suit with reference to the same matter, so that no person shall be required to pay compensation twice in respect of the same injury.

ments or remedies.

As to other recourse.

11. The Governor in Council may at any time order that the declaration set forth in Schedule B to this Act shall be of the same force, and the same shall be accordingly of the same force as the articles of the Convention.

Schedule B may be proclaimed in force.

12. The foregoing provisions of this Act shall not have force or effect until a day to be named by the Governor General by his proclamation; and if the convention ceases to be binding on Canada, this Act shall cease to be of any effect.

Commencement and duration of Act.

SCHEDULE A.

SUBMARINE TELEGRAPHS CONVENTION.

Convention for the preservation of telegraphic communications by means of submarine telegraphs, made on the 14th of March, 1884, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Majesty the German Emperor, King of Prussia, His Excellency the President of the Argentine Confederation, His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Excellency the President of the Republic of Costa Rica, His Majesty the King of Denmark, His Excellency the President of the Dominican Republic, His Majesty the King of Spain, His Excellency the President of the United States of America, His Excellency the President of the United States of Colombia, His Excellency the President of the French Republic, His Excellency the President of the Republic of Guatemala, His Majesty the King of the Hellenes, His Majesty the King of Italy, His Majesty the Emperor of the Ottomans, His Majesty the King of the Netherlands, Grand Duke of Luxemburg, His Majesty the Shah of Persia, His Majesty the King of Portugal and the Algarves, His Majesty the King of Roumania, His Majesty

the Emperor of all the Russias, His Excellency the President of the Republic of Salvador, His Majesty the King of Servia, His Majesty the King of Sweden and of Norway, and His Excellency the President of the Oriental Republic of the Uruguay.

[The following is an English translation of the Convention, with the omission of the formal beginning and end]:—

ARTICLE I.

The present Convention applies outside territorial waters to all legally established submarine cables landed on the territories, colonies or possessions of one or more of the high contracting parties.

ARTICLE II.

It is a punishable offence to break or injure a submarine cable, wilfully or by culpable negligence, in such manner as might interrupt or obstruct telegraphic communication, either wholly or partially, such punishment being without prejudice to any civil action for damages.

This provision does not apply to cases where those who break or injure a cable do so with the lawful object of saving their lives or their ship, after they have taken every necessary precaution to avoid so breaking or injuring the cable.

ARTICLE III.

The high contracting parties undertake that, on granting a concession for landing a submarine cable, they will insist, so far as possible, upon proper measures of safety being taken, both as regards the track of the cable and its dimensions.

ARTICLE IV.

The owner of a cable who, on laying or repairing his own cable, breaks or injures another cable, must bear the cost of repairing the breakage or injury, without prejudice to the application, if need be, of Article II of the present Convention.

ARTICLE V.

Vessels engaged in laying or repairing submarine cables shall conform to the regulations as to signals which have been, or may be, adopted by mutual agreement among the high contracting parties, with the view of preventing collisions at sea.

When a ship engaged in repairing a cable exhibits the said signals, other vessels which see them, or are able to see them, shall withdraw to or keep beyond a distance of one

nautical mile at least from the ship in question, so as not to interfere with her operations.

Fishing gear and nets shall be kept at the same distance.

Nevertheless, fishing vessels which see or are able to see a telegraph ship exhibiting the said signals shall be allowed a period of twenty-four hours at most within which to obey the notice so given, during which time they shall not be interfered with in any way.

The operations of the telegraph ships shall be completed as quickly as possible.

ARTICLE VI.

Vessels which see, or are able to see, the buoys showing the position of a cable when the latter is being laid, is out of order, or is broken, shall keep beyond a distance of one quarter of a nautical mile at least from the said buoys.

Fishing nets and gear shall be kept at the same distance.

ARTICLE VII.

Owners of ships or vessels who can prove that they have sacrificed an anchor, a net, or other fishing gear in order to avoid injuring a submarine cable shall receive compensation from the owner of the cable.

In order to establish a claim to such compensation, a statement, supported by the evidence of the crew, should, whenever possible, be drawn up immediately after the occurrence ; and the master must within twenty-four hours after his return to, or next putting into port, make a declaration to the proper authorities.

The latter shall communicate the information to the consular authorities of the country to which the owner of the cable belongs.

ARTICLE VIII.

The tribunals competent to take cognizance of infractions of the present Convention are those of the country to which the vessel on board of which the offence was committed belongs.

It is, moreover, understood that, in cases where the provisions in the previous paragraph cannot apply, offences against the present Convention will be dealt with in each of the contracting States, in accordance, so far as the subjects and citizens of those states respectively are concerned, with the general rules of criminal jurisdiction prescribed by the laws of that particular State, or by international treaties.

ARTICLE IX.

Prosecutions for infractions provided against by Articles II, V and VI of the present Convention shall be instituted by the state, or in its name.

ARTICLE X.

Offences against the present Convention may be verified by all means of proof allowed by the legislation of the country of the court. When the officers commanding the ships of war, or ships specially commissioned for the purpose by one of the high contracting parties, have reason to believe that an infraction of the measures provided for in the present Convention has been committed by a vessel other than a vessel of war, they may demand from the captain or master the production of the official documents proving the nationality of the said vessel. The fact of such document having been exhibited shall then be indorsed upon it immediately. Further formal statements of the facts may be prepared by the said officers, whatever may be the nationality of the vessel incriminated. These formal statements shall be drawn up in the form and in the language used in the country to which the officer making them belongs; they may be considered in the country where they are adduced, as evidence in accordance with the laws of that country. The accused and the witnesses shall have the right to add, or to have added thereto, in their own language, any explanations they may consider useful. These declarations shall be duly signed.

ARTICLE XI.

The proceedings and trial in cases of infraction of the provisions of the present Convention shall always take place as summarily as the laws and regulations in force will permit.

ARTICLE XII.

The high contracting parties engage to take or to propose to their respective legislatures the necessary measures for insuring the execution of the present Convention, and especially for punishing, by either fine or imprisonment, or both, those who contravene the provisions of Articles II, V and VI.

ARTICLE XIII.

The high contracting parties will communicate to each other laws already made, or which may hereafter be made, in their respective countries relating to the object of the present Convention.

ARTICLE XIV.

States which have not signed the present Convention may adhere to it on making a request to that effect. This adhesion shall be notified through the diplomatic channel to the Government of the French Republic, and by the latter to the other signatory powers.

ARTICLE XV.

It is understood that the stipulations of the present Convention do not in any way restrict the freedom of action of belligerents.

ARTICLE XVI.

The present Convention shall be brought into force on a day to be agreed upon by the high contracting powers.

It shall remain in force for five years from that day, and unless any of the high contracting parties have announced, twelve months before the expiration of the said period of five years, its intention to terminate its operation, it shall continue in force for a period of one year, and so on from year to year.

If one of the signatory powers denounce the Convention, such denunciation shall have effect only as regards that Power.

ARTICLE XVII.

The present Convention shall be ratified and the ratifications exchanged at Paris with as little delay as possible, and, at the latest, at the expiration of a year.

ADDITIONAL ARTICLE.

The stipulations of the Convention concluded under to-day's date for the protection of submarine cables shall be applicable in conformity with Article I, to the colonies and possessions of Her Britannic Majesty, with the exception of those hereinafter mentioned, namely:—

Canada,	Victoria,
Newfoundland,	Queensland,
The Cape,	Tasmania,
Natal,	South Australia,
New South Wales,	Western Australia,
	New Zealand:

Provided always, that the stipulations of the said Convention shall be applicable to any of the above named colonies or possessions, on whose behalf notice to that effect shall have been given by Her Britannic Majesty's representative at Paris to the French Minister for Foreign Affairs.

Each of the above named colonies or possessions which may have acceded to the said Convention shall be at liberty to withdraw from it in the same manner as the powers, parties to it. In the event of any of the said colonies or possessions desiring to withdraw from the Convention, a notification to that effect shall be made by Her Britannic Majesty's representative at Paris to the French Minister for Foreign Affairs.

SCHEDULE B.

SUBMARINE TELEGRAPH DECLARATION.

Certain doubts having been raised as to the meaning of the word "wilfully" used in article two of the Convention of the fourteenth of March, one thousand eight hundred and eighty-four, it is understood that the provision in respect of penal responsibility contained in the said article does not apply to cases of breakage or injury caused accidentally or of necessity in the repair of a cable when all precautions have been taken to avoid such breakage or injury.

It is equally understood that article four of the Convention had no other object and is to have no other effect, than to empower the competent tribunals of each country to decide in conformity with their laws and according to the circumstances the question of the civil responsibility of the owner of a cable who, in laying or repairing his own cable, breaks or injures another cable, as well as the consequences of such responsibility, if it is recognized as existing.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 32.

An Act respecting a certain agreement between the Government of Canada and the Canadian Pacific Railway Company.

[Assented to 22nd May, 1888.]

WHEREAS the Canadian Pacific Railway Company have Preamble,
agreed with the Government of Canada, by and under
the agreement in the schedule to this Act set forth, to
relinquish, for the consideration and upon the conditions
herein and in the said schedule set forth, the exclusive
privilege possessed by it in virtue of article fifteen of the
agreement between Her Majesty and the Company, con-
tained in the schedule to the Act forty-fourth Victoria,
chapter one; and it is expedient to provide by legislative
enactment for carrying the said agreement into effect:
Therefore Her Majesty, by and with the advice and consent
of the Senate and House of Commons of Canada, enacts as
follows:—

1. The agreement set forth in the schedule to this Act is Agreement
hereby approved and ratified, and the Government is hereby ratified.
authorized to perform and carry out the conditions thereof
according to their purport.

2. Article fifteen of the agreement between Her Majesty Article 15 of
and the corporators of the Canadian Pacific Railway Com- agreement of
pany set forth in the schedule to the Act forty-fourth Vic- 1880 repealed.
toria, chapter one, is hereby repealed and shall henceforth
cease to have force or effect.

3. The Government of Canada may guarantee the pay- Interest on
ment of interest, until maturity, at three and one-half per bonds of the
cent. per annum on bonds of the Company issued to an company may
amount not exceeding fifteen millions of dollars, or its equi- be guaran-
valent in sterling money, which bonds the Company is teed.
hereby empowered to issue; the principal of such bonds to
be payable not later than fifty years from their date, and the
principal and interest to be secured as set forth in the agree-

Company empowered to create a mortgage.

ment in the schedule to this Act, the Company being hereby empowered to create the mortgage referred to in such agreement, the form of it to be first approved by the Governor in Council, and the guarantee may be evidenced in such manner as the Government and the Company may agree upon.

Interest on moneys paid in may be paid to the company.

4. Upon the conditions and subject to the terms in such last mentioned agreement contained, the Government may pay to the Company interest at the rate of three and one-half per cent. per annum on the moneys paid in from time to time to form a fund for the redemption of the said bonds.

Discharge of the mortgage in case specified.

5. So soon as the aggregate amount of the said fund, in the hands of the Government, equals the principal of all the bonds of the said issue then outstanding, the Company may pay in a further sum to cover any interest up to date, and thereupon the mortgage in the schedule mentioned shall be discharged, and thereafter all interest on such bonds shall be paid by the Government, as also the principal at maturity, but the Government shall be in no way liable for the payment of any part of the principal except so far as the Company shall have provided it with a fund for the purpose.

As to liability for principal.

Interpretation of "bond."

6. The expression "bond" in this Act and the schedule thereto includes such form of undertaking as the Company, with the approval of the Governor in Council, shall adopt, either in the shape of registered bond, bond transferable by delivery, debenture stock, inscribed stock or otherwise: Provided, that whatever the form may be, the principal and interest shall be payable and be secured as above mentioned, the interest being guaranteed for the period and upon the terms and conditions above specified.

Proviso.

Certain rights saved.

7. Nothing herein contained shall affect or diminish the rights or remedies of any holder of any of the land grant bonds outstanding in the hands of the public mentioned in article eight of the agreement contained in the schedule to this Act.

A certain branch railway may be leased or sold.

8. The Company, if it should deem it for its advantage so to do, may, subject to the approval of the Governor in Council, lease the branch of its railway east of Red River, between St. Boniface and the American boundary, or any part thereof, on such terms as the board of directors of the Company may decide, or it may sell the same, or any part thereof, at such price and on such terms as shall be approved of at a special general meeting of its shareholders called for that purpose, and subject also to approval by the Governor in Council; and any incorporated railway company leasing or purchasing the said branch, or any part thereof,

shall be empowered to hold and operate it as fully as if such railway company had been duly incorporated for that purpose: Provided always, that the rental under such lease or the proceeds of such sale, as the case may be, shall be applied (to the satisfaction of the Governor in Council, and with the assent of the trustees appointed under the deed of mortgage securing the bonds issued upon the said railway) either towards payment of the said last mentioned bonds or towards increasing the security for such bonds by expending the same on the Company's railway, or partly in one way and partly in the other.

Application
of proceeds.

9. If the Parliament of Canada shall hereafter authorize the construction of a railway from Winnipeg to the American boundary, or from St. Boniface to the American boundary, and following the general direction of the Red River, the Company shall thereafter be obliged to maintain and operate only such one of its two branches now existing between those points as it shall think fit.

Operation of
branches to
American
boundary.

10. Whenever a railway company which has leased its line to the Canadian Pacific Railway Company for more than sixty years has power by law to make any arrangement concerning its line, or any branch thereof, with another company, then the Canadian Pacific Railway Company shall, during the currency of the lease, have power to make the same arrangement and to do whatever is necessary to carry it out, but always at its own costs and charges, and also subject to all conditions and restrictions which, in such a case, would be binding on the railway company which has leased its line as aforesaid.

Powers conferred as to
railways
leased by the
company.

11. The Supreme Court of Canada shall have jurisdiction to decide any question which may arise concerning the rights or liabilities of the said parties, or either of them, under the said agreement, and to enforce the provisions thereof in such manner and by such proceedings as to said court may seem proper.

Questions in
dispute may
be decided by
Supreme
Court.

SCHEDULE.

THIS AGREEMENT made at Ottawa (subject to the approval of the Parliament of Canada), between Her Majesty the Queen, acting in respect of the Dominion of Canada and represented herein by the Honorable John Henry Pope, Minister of Railways and Canals, hereinafter called "the Government," of the one part, and the Canadian Pacific Railway Company, represented herein by Sir George Stephen, Baronet, its president, hereinafter called "the Company," of the other part

WHEREAS it has been agreed between the Government and the Company, amongst other things, that the restrictions contained in clause fifteen of the contract dated the twenty-first day of October, A.D. 1880, and executed between the Government and the said Sir George Stephen and others, on behalf of the Company, shall be removed, and that in order to enable the Company, notwithstanding such removal, to preserve to Canada and its seaports the carrying trade for which the Canadian Pacific Railway was designed and constructed, the Government shall assist the Company in the manner and upon the conditions hereinafter described in obtaining funds wherewith to perfect its connections, increase its rolling stock and otherwise improve its position, and that the said agreement shall be evidenced by the execution of these presents ;

NOW THESE PRESENTS WITNESS that the said parties have mutually agreed each with the other as follows, that is to say :—

1. The Company agrees that all restrictions imposed upon the action of the Dominion Parliament by the terms of the said clause fifteen of the said contract, as set out in the schedule to the Act forty-fourth Victoria, chapter one, shall now cease to exist, and they are accordingly hereby removed forever.

2. The Government agrees to guarantee the payment of interest up to the time of maturity on bonds of the Company, to be hereafter issued to an amount not exceeding in the aggregate fifteen million dollars (or its equivalent in sterling money), the principal to be payable not later than fifty years from their date, and the interest thereon to be payable half yearly at the rate of three and one-half per centum per annum, such bonds to be secured as hereinafter specified on the unsold lands to which the Company is still entitled out of the subsidy of twenty-five million acres mentioned in the said contract, and which unsold lands are now estimated at fourteen million nine hundred and thirty-four thousand two hundred and thirty-eight acres.

3. The security shall be by deed of bargain and sale by way of mortgage to three trustees of all the Company's title to the said unsold lands, which mortgage shall contain such conditions for securing the said bonds, such remedies for enforcing the payment thereof with interest, and such provisions (consistent with the terms of this agreement) respecting the sale of the said lands and the disposition of their proceeds, as are authorized by the charter of the Company and its amendments, and as shall be approved by the Governor in Council.

4. It shall be a condition of the said mortgage that the net proceeds of the sales of the said lands shall, from time to time, be paid over to the Government, and the Company may at its option also pay over other moneys to the

Government, the whole to constitute a fund to be set apart and held by the Government exclusively for the purpose of satisfying the principal of the said bonds.

5. On the money thus set apart which is not to exceed an amount sufficient to redeem the outstanding bonds of the said issue, the Government shall pay to the Company half yearly, on the first day of the months of July and January in each year, interest at the same rate as that carried by the said bonds, namely three and one-half per centum per annum, the same to be applied towards satisfying interest as it shall mature on the said bonds. But if the Company should, at any time, make default in the payment of any interest which may become due on any of the said bonds, then, if required by the Government, the Company shall thereafter pay over to the Government all interest which it may collect, under uncompleted sales, upon the price of lands sold as well as the principal realized from the sales thereof, and the Government shall allow on the amount of such payments interest at the said rate, and shall apply all of such additional payments and the interest thereon as well as all interest accrued on the said principal fund towards satisfaction of the interest on the said bonds.

6. As soon as the aggregate amount of the said fund in the hands of the Government shall equal the principal of all bonds of the said issue then outstanding, then the Company may pay in to the said fund also a sum sufficient to cover the interest, if any, up to that time; and thereupon the said mortgage shall be discharged and the Government shall assume and pay all interest which shall thereafter become due on the said bonds as well as the principal of the said bonds at maturity; and the Company shall be thereafter forever freed from any liability in respect of such principal or interest,—nothing herein contained to be construed as making the Government liable at any time to pay any part of the principal of the said bonds except in so far as the Company shall have provided it with a fund for that purpose in the manner hereinbefore specified.

7. The Minister of the Interior for the time being, or such other Minister as the Government shall name, shall be one of the trustees under the said mortgage and the appointment of any other trustee or trustees shall be subject to the approval of the Government.

8. All the land grant bonds forming part of the former issue by the Company and now held by the Company (amounting to four million dollars) shall be cancelled and destroyed, and the said mortgage shall be subject to the payment of such of the said land grant bonds as are now outstanding in the hands of the public, amounting to about (\$3,463,000) three million four hundred and sixty-three thousand dollars, but the sums due or to become due to the Company for unpaid purchase money of lands heretofore sold, amounting to about (\$1,200,000) one million two hun-

dred thousand dollars, shall be applied towards the payment of the said land grant bonds now outstanding according to the provisions of the mortgage securing the same.

9. The Company, if it should deem it for its advantage so to do, may, subject to the approval of the Governor in Council, lease the branch of its railway east of Red River, between St. Boniface and the American boundary, or any part thereof, on such terms as the board of directors of the Company may decide, or it may sell the same or any part thereof at such price and on such terms as shall be approved of at a special general meeting of its shareholders called for that purpose and subject also to approval by the Governor in Council; and any incorporated railway company leasing or purchasing the said branch or any part thereof shall be empowered to hold and operate it as fully as if such railway company had been duly incorporated for that purpose; provided always, that the rental under such lease or the proceeds of such sale, as the case may be, shall be applied (to the satisfaction of the Governor in Council, and with the assent of the trustees appointed under the deed of mortgage securing the bonds issued upon the said railway) either towards payment of the said last mentioned bonds or towards increasing the security for such bonds by expending the same on the Company's railway or partly in one way and partly in the other.

10. If the Dominion Parliament shall hereafter authorize the construction of a railway from Winnipeg to the American boundary or from St. Boniface to the American boundary and following the general direction of the Red River, the Company shall thereafter be obliged to maintain and operate only such one of its two branches now existing between those points as it shall think fit.

11. Whenever a railway company which has leased its line to the Canadian Pacific Railway Company for more than sixty years has power by law to make any arrangement concerning its line or any branch thereof with another company, then the Canadian Pacific Railway Company shall, during the currency of the lease, have power to make the same arrangement and to do whatever is necessary to carry it out, but always at its own costs and charges, and also subject to all conditions and restrictions which in such a case would be binding on the railway company which has leased its line as aforesaid.

12. The Company will expend the proceeds of the sale of said bonds, so to be issued as aforesaid, as stated in the schedule hereto marked "A."

13. The rights and liabilities of the respective parties hereto shall be determined and this agreement shall be construed as binding on them according to the law of the place where it is executed.

14. The Supreme Court of Canada shall have jurisdiction to decide any question which may arise concerning the

rights or liabilities of the said parties, or either of them, under this agreement, and to enforce the provisions thereof in such manner and by such proceedings as to said court may seem proper.

15. The legislation necessary to give effect to this agreement, and to enable its provisions to be carried out, shall be asked for from Parliament at its present session.

Witness our hands and seals at the city of Ottawa, this eighteenth day of April, A.D. 1888.

Signed, sealed and delivered in }
the presence of, as to the exe- }
cution by the Hon. J. H. Pope, }

ROBT. SEDGEWICK,

J. H. POPE.

As to the execution by Sir }
George Stephen, }

A. PIERS.

GEO. STEPHEN.

SCHEDULE A.

Showing how the Company will expend the proceeds of the sale of the bonds referred to in the annexed agreement :

1. On account of capital expenditure on main line between Quebec and Vancouver in buildings of various kinds, snow-sheds, sidings, permanent bridges, filling trestles, reducing grades and curves, and other improvements and facilities, and on vouchers and pay rolls.	\$ 5,498,000
2. For required rolling stock, locomotives, box cars, passenger cars, flat cars, tool cars, snow ploughs, &c.....	5,250,000
3. For required improvements on the said main line, elevators, bridges, locomotive shops, filling trestles, sidings, docks, lake and coast steamers—the residue, whatever it may be, estimated at.....	4,252,000
	<u>\$15,000,000</u>

NOTE.—The expenditure on Item 3 may be increased, and for that purpose the expenditure on either of the other items may be diminished.

GEORGE STEPHEN.



51 VICTORIA.

CHAP. 33.

An Act respecting the application of certain laws therein mentioned to the Province of Manitoba.

[Assented to 22nd May, 1888.]

Preamble.

FOR the removal of doubts, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows :—

Certain laws
declared in
force in Mani-
toba.

1. Subject to the provisions of the next following section the laws of England relating to matters within the jurisdiction of the Parliament of Canada, as the same existed on the fifteenth day of July, one thousand eight hundred and seventy, were from the said day and are in force in the Province of Manitoba, in so far as the same are applicable to the said Province and in so far as the same have not been or are not hereafter repealed, altered, varied, modified or affected by any Act of the Parliament of the United Kingdom applicable to the said Province, or of the Parliament of Canada.

Rate of interest.

2. Whenever, between the said day and the first day of March, one thousand eight hundred and eighty-seven, interest was payable in the said Province by the agreement of parties or by law and no rate was fixed by such agreement or by such law, the rate of interest was six per centum per annum.

Rights saved.

3. Nothing in the first section of this Act contained shall affect any action, suit, judgment, process or proceeding pending, existing or in force at the time of the passing of this Act.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 34.

An Act to amend "The Canada Temperance Act."

[Assented to 22nd May, 1888.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Preamble.

1. In any city, county or district where there is more than one office of registrar of deeds, it shall be sufficient to deposit the notice referred to in section six of "*The Canada Temperance Act*," in any one of such offices; and whenever, in any city, county or district, a poll has been held under the said Act, which has resulted in the adoption of the petition, and the Governor General in Council has, by Order in Council, declared the second part of the said Act to be in force and to take effect in such city, county or district, the said Act shall be held and is hereby declared to be in full force and effect therein, from and after the passing of this Act, notwithstanding that such notice has not been deposited in each registrar's office.

Notice to be deposited in any one of the registrars' offices in the county, &c.

2. Wherever in the said Act the word "county" is used, such word shall, when applied to the Province of British Columbia, be regarded as meaning an electoral district therein, in accordance with the divisions of the said Province for elections of members of the House of Commons of Canada; and, for the purposes of the said "*Canada Temperance Act*," each electoral district within the said Province of British Columbia shall include every town, township, parish and other division or municipality within the territorial limits of such electoral district, and also within a union of electoral districts, where united for municipal purposes: Provided always, that whenever the said Province shall have been divided into counties, and a regular municipal organization established in each of such counties, the said Act, as amended, shall apply to the said counties.

Interpretation of word "county" in B.C.

What electoral district includes in B.C.

Proviso.

3. The notice referred to in section six of the said Act shall, so far as it relates to British Columbia, be deposited in the respective electoral districts as follows :—

Deposit of notice in B.C.

- In Cariboo. (a.) Cariboo electoral district, in the office of the registrar of voters, village of Barkerville ;
- In Yale. (b.) Yale electoral district, in the office of the registrar of voters, village of Kamloops ;
- In New Westminster. (c.) New Westminster electoral district, in the office of the registrar of voters, city of New Westminster ;
- In Victoria. (d.) Victoria electoral district, in the office of the registrar of voters, city of Victoria ;
- In Vancouver. (e.) Vancouver electoral district, in the office of the registrar of voters, city of Nanaimo.

4. Whenever in the said Act the word "county" is used, it shall, when applied to the Province of Ontario, or to any other province in which provisional or temporary judicial districts exist, be held to include such provisional or temporary judicial districts ; and the notice referred to in section six of the said Act, shall, so far as relates to such provisional or temporary judicial districts, be deposited in the registry office, or one of the registry offices if more than one, for the respective provisional or temporary judicial district.

Section 99, ss. 4, amended.

5. Sub-section four of section ninety-nine of the said Act is hereby repealed and the following substituted therefor :—

Sale for medicinal or manufacturing purposes.

"4. Provided also, that the sale of intoxicating liquor for exclusively medicinal purposes or for *bona fide* use in some art, trade or manufacture, may be made by any person duly authorized to sell the same ; but such intoxicating liquor when sold for medicinal purposes, shall be removed from the premises, and such sale shall be made only on the certificate of a medical man having no interest in the sale, affirming that such liquor has been prescribed for the person named therein ; and when such sale is for its use in some art, trade or manufacture, the same shall be made only on a certificate, signed by two justices of the peace, of the good faith of the application, accompanied by the affirmation of the applicant, that the liquor is to be used only for the particular purposes set forth in the affirmation ; and such vendor shall file the certificates and keep a register of all such sales, indicating the name of the purchaser and the quantity sold, and shall make an annual return of all such sales, on the thirty-first day of December in every year, to the collector of inland revenue within whose revenue division the county or city is situated ; and any medical man who gives such a certificate for any other than strictly medicinal purposes, shall, for the first offence, be liable, on summary conviction, to a penalty of twenty dollars, and for a second or any subsequent offence, shall be liable, on summary conviction, to a penalty of forty dollars : Provided, that section one hundred and nineteen of this Act, taking away an appeal, shall not apply to any such conviction of any medical man."

Certificate.

Annual return to collector.

Penalty for giving false certificate.

Proviso : as to appeal.

Section 103 repealed ; new section.

6. Section one hundred and three of the said Act is hereby repealed and the following substituted therefor :—

"103. Such prosecution may be brought before any judge of the sessions of the peace, recorder, police magistrate, stipendiary magistrate, sitting magistrate, commissioner of a parish court, two justices of the peace, or any magistrate having the power or authority of two or more justices of the peace, having jurisdiction where the offence was committed."

Before whom
prosecution
may be
brought.

7. Section one hundred and four of said Act is hereby repealed and the following substituted therefor:—

Section 104
repealed;
new section.

"104. If any prosecution is brought before any such judge of the sessions of the peace, recorder, police, stipendiary or sitting magistrate, commissioner of a parish court, or magistrate having the power or authority of two or more justices of the peace, no other justice shall sit or take part therein."

If before cer-
tain magis-
trates no
other justices
to sit.

8. Section one hundred and five of the said Act is hereby repealed and the following substituted therefor:—

Section 105
repealed;
new section.

"105. If such prosecution is brought before any two other justices of the peace, all acts and proceedings prior to the hearing and trial may be done and taken by one of them; and no justice other than such two justices shall sit or take part therein except in the case of their absence or the absence of one of them; and not in the former case except with the assent of the prosecutor, nor in the latter except with the assent of such justice who is present."

When prose-
cution is
brought be-
fore two jus-
tices.

9. Section one hundred and seven of the said Act is hereby amended by inserting after the word "prosecuted" in the second line thereof; the following words: "and the penalties and punishments therefor enforced."

Section 107
amended.

10. Section one hundred and eight of the said Act is hereby repealed and the following substituted therefor:—

Section 108
repealed;
new section.

"108. If a credible witness proves upon oath before any one of the officers named in section one hundred and three of this Act that there is reasonable cause to suspect that any intoxicating liquor is kept for sale in violation of the second part of this Act, or of "The Temperance Act of 1864," in any dwelling-house, store, shop, warehouse, outhouse, garden, yard, croft, vessel or other place or places, such officer may grant a warrant to search in the daytime such dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel or other place or places for such intoxicating liquor, and if the same or any part thereof is there found, to bring the same before him, and any information to obtain a warrant under this section may be in the form M in the schedule to this Act; and any search warrant under this section may be in the form N in the said schedule."

Warrant may
be granted to
search for
liquor on re-
ceipt of cer-
tain infor-
mation on oath.

Form of in-
formation and
warrant.

Section 109
repealed;
new section.
Liquor seized
under war-
rant may be
ordered to be
destroyed.

11. Section one hundred and nine of said Act is hereby repealed and the following substituted therefor:—

"109. When any person is convicted of any offence against any of the provisions of the second part of this Act, or "*The Temperance Act of 1864*," the officer or officers so convicting may adjudge and order in addition to any other penalty or punishment that the intoxicating liquor in respect to which the offence was committed, and which has been seized under a search warrant as aforesaid, and all kegs, barrels, cases, boxes, bottles, packages and other receptacles of any kind whatsoever found containing the same be forfeited and destroyed, and such order shall thereupon be carried out by the constable or peace officer who executed the said search warrant or by such other person as may be thereto authorized by the officer or officers who have made such conviction."

Sub-section 2
of section 119
amended.

12. Sub-section two of section one hundred and nineteen of the said Act is hereby amended by striking out the words "sheriff" and "or" in the fifth line thereof, and by adding at the end thereof "or any magistrate or officer having the power and authority of two or more justices of the peace."

Section 114
amended.

13. Section one hundred and fourteen of the said Act is hereby amended by striking out the words "and compellable" in the sixth line thereof.

Forms to be
used.

14. The forms given in the schedule to this Act, or any forms to the like effect, shall be sufficient in the cases thereby respectively provided for, and where no forms are prescribed by the said schedule, new ones may be framed in accordance with "*The Canada Temperance Act*," or with "*The Summary Convictions Act*."

Forms M and
N repealed;
new forms.

15. Forms M and N in the schedule to this Act are hereby substituted for forms M and N in the schedule to "*The Canada Temperance Act*."

SCHEDULE.

FORM M.

Information to obtain a Search Warrant.

CANADA,
PROVINCE OF
DISTRICT (or, County, or as the
case may be) of

The information of K. L. of the _____ of _____ in the
said district (or, County, &c, yeoman), taken this _____ day of
_____ in the year of Our Lord _____ before me
W.S., Esq., one of Her Majesty's Justices of the Peace, in

and for the District (or, County, or, United Counties, or as the case may be) of _____, who saith that he hath just and reasonable cause to suspect and doth suspect, that intoxicating liquor is kept for sale in violation of the second part of "*The Canada Temperance Act*," in the (*dwelling house, &c.*) of P.Q., of _____ in the said District (or County, &c.) (*here add the causes of suspicion and the particulars of the offence whatever they may be.*)

Wherefore he prays that a Search Warrant may be granted him to search the (*dwelling house, &c.*) of the said P.Q. as aforesaid for the said intoxicating liquor.

Sworn (or affirmed) on the day and year first above mentioned, at _____ in the said District (or County, &c.) of _____, before me.

(Signature) W.S.,

J.P.

FORM N.

Form of Search Warrant.

CANADA,
PROVINCE OF
DISTRICT (or County, or as the
case may be) of _____ }

To all or any of the Constables, or other Peace Officers, in the District (or County, or as the case may be) of _____

Whereas, K. L., of the _____ of _____ in the said District (or County, &c.) hath this day made oath before me the undersigned, one of Her Majesty's Justices of the Peace in and for the said District (or County, &c.) of _____ that he hath just and reasonable cause to suspect, and doth suspect, that intoxicating liquor is kept for sale in violation of the second part of "*The Canada Temperance Act*," in the (*dwelling-house, &c.*) of one P.Q., of _____ in the said District (or County, &c.) of _____: These are therefore, in the name of Our Sovereign Lady the Queen, to authorize and require you, and each and every of you, with necessary and proper assistance, to enter in the day-time into the said (*dwelling-house, &c.*) of the said P.Q., and there diligently search for the said intoxicating liquor; and if the same, or any part thereof, shall be found upon such search, that you bring the intoxicating liquor so found, and also all barrels, kegs, cases, boxes, packages and other receptacles of any kind whatever containing the same before me to be disposed of and dealt with according to law.

Given under my hand and seal at _____ in the said District (or County, &c.) this _____ day of _____ in the year of Our Lord

(Seal) W.S.,

J.P.

1. GENERAL FORM OF INFORMATION.

CANADA,) The information of A.B., of the
 of ,) of in the
 To wit :) of , collector of Inland Revenue
 (or as the case may be), laid before me, C.D., police magis-
 trate (or as the case may be) in and for the city of
 (or one of Her Majesty's justices of the peace in and for the
 of), this day of ,
 in the year of Our Lord one thousand eight hundred and ,

The said informant says he is informed and believes that
 X.Y., on or about the day of , in the
 year of Our Lord one thousand eight hundred and ,
 at the of , in the of ,
 unlawfully did sell intoxicating liquor, contrary to the pro-
 visions of the second part of "*The Canada Temperance Act*,"
 then in force in the said county (or city, as the case may be).
 N.B.—For an information for a second or third offence add the
 appropriate clauses from forms U and V.

A.B

Laid and signed before me, the day)
 and year, and at the place first)
 above mentioned.

C.D.

P. M. or J. P.

FORMS FOR DESCRIBING OFFENCES.

2. *Unlawfully keeping intoxicating liquor for sale :*

"That X. Y., on at unlawfully did
 keep intoxicating liquor for sale, contrary to, &c." (as above).

3. *Unlawful sale by a distiller or brewer in small quantities :*

"That X.Y., being a licensed distiller (or brewer) having
 his distillery (or brewery) within the county (or city, or as
 the case may be), of , on , at ,
 unlawfully did sell whiskey (or other liquor manufactured
 in his distillery) in a quantity of less than ten gallons (or
 ale or beer in a quantity of less than eight gallons) at one
 time (or unlawfully did sell whiskey to be removed and
 taken away in quantities of less than ten gallons, or unlaw-
 fully did sell beer to be removed and taken away in quanti-
 ties of less than eight gallons), contrary to, &c," (as above).

4. *Unlawful sale by a vine-growing company in small quantities :*

"That the company, being an incorporated com-
 pany authorized by law to carry on the business of culti-
 vating and growing vines, and of making and selling wine
 and other liquors produced from grapes, having their manu-
 factory within the county (or city) of , on , at
 unlawfully did sell intoxicating liquor in a quantity
 254 of

of less than ten gallons at one time (or unlawfully did sell intoxicating liquor to be removed and taken away in quantities of less than ten gallons at one time) contrary to, &c." (as above).

5. *Unlawful sale by a manufacturer of native wines :*

"That X. Y., being a manufacturer of pure native wines made from grapes grown and produced by him in the Dominion of Canada, and being duly licensed to sell the same, on , at , unlawfully did sell such wines in a quantity of less than ten gallons (or unlawfully did sell such wine for sacramental or medicinal purposes in a quantity of less than one gallon) contrary to, &c." (as above.)

6. *Unlawful sale by a wholesale merchant in small quantities :*

"That X. Y., having a license to sell intoxicating liquor by wholesale, on , at , unlawfully did sell intoxicating liquor in a quantity of less than ten gallons (or unlawfully did sell intoxicating liquor to be removed and taken away in quantities of less than ten gallons at one time) contrary to, &c." (as above).

7. *Medical man unlawfully giving certificate :*

"That X. Y., being a medical man, on , at , unlawfully did give a certificate to obtain intoxicating liquor for other than strictly medicinal purposes, contrary to, &c." (as above).

8. *Tampering with a witness :*

"That X. Y., on a certain prosecution under '*The Canada Temperance Act*,' on at unlawfully did tamper with O. P., a witness in such prosecution, before (or after) he was summoned (or appeared) as a witness in such case (or by an offer of money, or by threat or otherwise) unlawfully did induce (or attempt to induce) such witness to absent himself (or herself) (or to swear falsely) contrary to, &c." (as above).

9. *Compromising or compounding a prosecution :*

"That X. Y., having violated a provision of '*The Canada Temperance Act*,' on , at , unlawfully did compromise (or compound, or settle, or offer, or attempt to compromise, compound or settle) the offence with E. F., with the view of preventing any complaint being made in respect thereof (or with the view of getting rid of, or of stopping, or of having the complaint made in respect thereof dismissed) (as the case may be) contrary to the provisions of '*The Canada Temperance Act*.' "

10. *Being a party to compromise a prosecution :*

"That X. Y., on , at , unlawfully was concerned in (or party to) a compromise (or a composition or a settlement) of an offence committed by O. P. against a provision of '*The Canada Temperance Act*.' "

FORM S.

Summons to Witness.

CANADA, }
of , } To J. K., of the of , in the of
To Wit :

Whereas information has been laid before me, C.D., one of Her Majesty's justices of the peace, in and for the of _____, (or police magistrate for the city of _____,) that X. Y., being a druggist, on the _____ of _____, A.D. 188 _____, at the _____ of _____, in the _____ of _____, unlawfully did sell intoxicating liquor contrary to the provisions of the second part of "*The Canada Temperance Act*" (or as the case may be) and it has been made to appear to me that you are likely to give material evidence on behalf of the prosecution in this matter:

These are to require you, under pain of imprisonment in the common gaol, personally to be and appear on the day of , A.D. 188 , at o'clock in the (fore)noon, at the , in the of , before me or such justice or justices of the peace as may then be there, to testify what you shall know in the premises, and also to bring with you, and there and then to produce all and every invoices, day-books, cash-books, or ledgers and receipts, promissory notes or other security relating to the purchase or sale of liquor by the said X. Y., and all other books and papers, accounts, deeds and other documents in your possession, custody or control, relating to any matter connected with the said prosecution.

Given under my hand and seal, this day of ,
A.D. 188 , at the of , in the of ,
C. D.,
J. P. (L.S.)

FORM T.

Form of Conviction for first offence.

CANADA, } BE IT remembered that on the
of , } day of , in the year of Our Lord
To Wit: } one thousand eight hundred and ,
at the of , in the of , X. Y. is
convicted before me, C. D., police magistrate in and for the
city of (or before us, E. F. and G. H., two of Her
Majesty's justices of the peace, in and for the),
of having unlawfully sold intoxicating liquor on the
day of , in the year of Our Lord one thousand
eight hundred and , at the of
, in the , in his premises,
(or of having unlawfully kept intoxicating liquor for sale, or
as the case may be) contrary to the provisions of the second
256 part

part of "*The Canada Temperance Act*," then in force in the said _____, A.B. being the informant; and I (or we) adjudge the said X.Y., for his said offence, to forfeit and pay the sum of fifty dollars, to be paid and applied according to law, and also to pay to the said A. B. the sum of _____ dollars for his costs in this behalf, and if the said several sums be not paid forthwith, then* I (or we) order the said sums to be levied by distress and sale of the goods and chattels of the said X.Y., and in default of sufficient distress in that behalf* [*or where the issuing of a distress warrant would be ruinous to the defendant and his family, or it appears that he has no goods whereon to levy a distress, then instead of the words between the asterisks ** say—inasmuch as it has now been made to appear to me (or us) that the issuing of a warrant of distress in this behalf would be ruinous to the said X. Y. and his family," or "that the said X. Y. has no goods or chattels whereon to levy the said several sums by distress,"*] I (or we) adjudge the said X. Y. to be imprisoned in the common gaol for the _____ of _____, at _____ in the said _____, and there to be kept for the space of _____, unless the said sums and the costs and charges of conveying the said X. Y. to the said common gaol, shall be sooner paid.

Given under my hand and seal (or our hands and seals) the day and year first above mentioned, at the _____ of _____ in the _____ aforesaid.

C. D., (L.S.)
Police Magistrate,
 or E. F., (L.S.)
J. P.,
 G. H., (L.S.)
J. P.

FORM U.

Form of Conviction for a second offence.

CANADA)
 of , { BE IT remembered that on the
 To Wit : , { day of _____, in the year of Our Lord
 at the of _____, in the _____ of _____, X. Y. is
 convicted before me, C. D., police magistrate in and for the
 city of _____ (or before us, E. F. and G. H., two of Her
 Majesty's justices of the peace, in and for the _____),
 of having unlawfully sold intoxicating liquor on the
 day of _____, in the year of Our Lord one thousand
 eight hundred and _____, at the
 of _____, in the _____, in his premises,
 (or of having unlawfully kept intoxicating liquor for sale,
 or as the case may be) contrary to the provisions of the second
 part of "*The Canada Temperance Act*," then in force in the
 said _____, A. B., being the informant, and it appear-

ing to me (or us) that the said X. Y. was previously, to wit, on the day of , A.D. 18 , at the of , before, &c., duly convicted of having unlawfully sold intoxicating liquor, contrary to the provisions of the second part of "*The Canada Temperance Act*," then in force in the said , on the day of , A.D. 18 , at the of : I (or we) adjudge the offence of the said X. Y., hereinbefore first mentioned, to be his second offence against "*The Canada Temperance Act*," then in force in the said , and I (or we) adjudge the said X. Y., for his second offence, to forfeit and pay the sum of one hundred dollars, to be paid and applied according to law, and also to pay to the said A.B. the sum of dollars for his costs in this behalf; and if the said several sums be not paid forthwith, then* I (or we) order the said sums to be levied by distress and sale of the goods and chattels of the said X. Y., and in default of sufficient distress in that behalf,* [or, *where the issuing a distress warrant would be ruinous to the defendant and his family, or it appears that he has no goods whereon to levy a distress, then instead of the words between the asterisks** say—inasmuch as it has now been made to appear to me (or us) that the issuing of a warrant of distress in this behalf would be ruinous to the said X. Y. and his family,* or "*that the said X. Y. has no goods or chattels whereon to levy the said several sums by distress,*] I (or we) adjudge the said X. Y. to be imprisoned in the common gaol for the of , at in the said , and there to be kept for the space of , unless the said sums and the costs and charges of conveying the said X. Y. to the said common gaol, shall be sooner paid.

Given under my hand and seal (or our hands and seals) the day and year first above mentioned, at the of in the aforesaid.

C.D., (L.S.)
Police Magistrate,
 or E.F., (L.S.)
J.P.,
 G.H., (L.S.)
J.P.

FORM V

Form of Conviction for a third offence.

CANADA, } BE IT remembered that on the
 of , day of , in the year of
 To Wit : } Our Lord one thousand eight hundred
 and , in the of , in the ,
 X.Y. is convicted before the undersigned, C.D., police magis-
 trate in and for the city of , in the said

(or E. F. and G. H., two of Her Majesty's justices of the peace in and for the said), for that he, the said X.Y., on the day of , in the year of Our Lord one thousand eight hundred and , at the city of (or of) in the said (as the case may be) of having unlawfully sold intoxicating liquor (or of having unlawfully kept intoxicating liquor for sale, or as the case may be) contrary to the provisions of the second part of "The Canada Temperance Act," then in force in the said . And it also appearing to me (or us) that the said X.Y. was previously, to wit, on the day of , A.D., 18 , at the of , before, &c., duly convicted of having unlawfully sold intoxicating liquor contrary to the provisions of the second part of "The Canada Temperance Act," then in force in the said , on the day of , A. D. 18 , at the of . And it also appearing to me (or us) that the said X.Y. was previously, to wit, on the day of , A.D. 18 , at the of , before, &c. (see above) again duly convicted of having unlawfully sold intoxicating liquor contrary to the provisions of the second part of "The Canada Temperance Act," then in force in the said , on the day of , A. D. 18 , at the (or as the case may be).

I (or we) adjudge the offence of the said X. Y. hereinbefore firstly mentioned, to be his third offence against "The Canada Temperance Act," then in force in the said (A.B. being the informant), and I (or we) adjudge the said X. Y. for his said third offence to be imprisoned in the common gaol of the said of at , in the said of , there to be kept at hard labor for the space of calendar months (or as the case may be).

Given under my hand and seal (or our hands and seals) the day and year first above mentioned, at the of , in the aforesaid.

C. D.,	(L. S.)
Police Magistrate,	
or E. F.,	(L. S.)
J. P.,	
G. H.,	(L. S.)
J. P.,	

FORM W.

Warrant of Commitment for first offence where a penalty is imposed.

CANADA,	}	To ALL or any of the constables and other peace officers in the
of		
To Wit:	}	and to the keeper of the common gaol
of the said		
at		of
		in the

Whereas X. Y., late of the _____ of _____, in the said _____, was this day convicted before the undersigned, C. D., police magistrate in and for the city of _____ (or E. F., and G. H., two of Her Majesty's justices of the peace in and for the _____ of _____, (or _____, or as the case may be), for that he, the said X. Y., on _____ at _____ unlawfully did sell intoxicating liquor (*state offence as in the conviction*), contrary to the provisions of the second part of "*The Canada Temperance Act*," then in force in the said _____ (A. B. being the informant), and it was thereby adjudged that the said X. Y., for his said offence, should forfeit and pay the sum of _____ (*as in the conviction*), and should pay to the said A. B. the sum of _____ for his costs in that behalf:

And it was thereby further adjudged that if the said several sums should not be paid forthwith, the said X. Y. should be imprisoned in the common gaol of the said _____ at _____, in the said _____ of _____, there to be kept at hard labor for the space of _____ unless the said several sums and the costs and charges of conveying the said X. Y. to the said common gaol should be sooner paid:

And whereas the said X. Y. has not paid the said several sums, or any part thereof, although the time for payment thereof has elapsed:

[*If a distress warrant issued and was returned "no goods," or "not sufficient goods." say*] "And whereas afterwards on the day of _____, A.D. 18 _____, I, the said police magistrate (or we, the said justices) issued a warrant to the said constables or peace officers, or any of them, to levy the said several sums of _____ and _____ by distress and sale of the goods and chattels of the said X. Y.:

"And whereas it appears to me (or us), as well by the return of the said warrant of distress by the constable who had the execution of the same as otherwise, that the said constable has made diligent search for the goods and chattels of the said X. Y., but that no sufficient distress whereon to levy the said sums could be found; "

[*Or where the issuing of a distress warrant would be ruinous to the defendant and his family, or if it appears that he has no goods whereon to levy a distress, then instead of the foregoing recitals of the issue and return of the distress warrant, &c., say—*

"And whereas it has been made to appear to me (or us), that the issuing of a warrant of distress in this behalf would be ruinous to the said X. Y., and his family," or "that the said X. Y. has no goods or chattels whereon to levy the said sums by distress" *as the case may be*:]

These are therefore to command you, the said constables or peace officers, or any of you, to take the said X. Y., and him safely convey to the common gaol aforesaid at _____, in the _____ of _____, and there deliver him to the said keeper thereof, together with this precept.

And I (or we) do hereby command you the said keeper of the said common gaol to receive the said X. Y. into your custody in the said common gaol, there to imprison him and keep him for the space of _____ unless the said several sums and all the costs and charges of the said distress, amounting to the sum of _____, and of the commitment and conveying of the said X. Y. to the said common gaol, amounting to the further sum of _____, shall be sooner paid unto you, the said keeper, and for so doing this shall be your sufficient warrant.

Given under my hand and seal (or our hands and seals),
this _____ day of _____, A.D. 18 _____, at _____ in the
said _____ of _____

C. D., (L.S.)
Police Magistrate,
or E. F., (L.S.)
J. P.,
G. H., (L.S.)
J. P.

FORM X.

Warrant of Commitment for third offence, where punishment is by imprisonment only.

CANADA, }
of _____, }
To Wit : }
said _____ at _____ in the _____ of _____
Whereas X. Y., late of the _____ of _____, in the said _____ was on this day convicted before the undersigned C.D., (or E. F. and G.H., &c., as in preceding form) for that he, the said X. Y., on _____, at _____ (state offence, with previous convictions, as set forth in the conviction for the third offence, or as the case may be, and then proceed thus) : "and it was thereby adjudged that the offence of the said X. Y., hereinbefore firstly mentioned, was his third offence against the second part of "The Canada Temperance Act," then in force in the said _____, (A. B. being the informant) ; And it was thereby further adjudged that the said X.Y., for his said third offence, should be imprisoned in the common gaol of the said _____ of _____, at _____ in the said _____ of _____, and there be kept at hard labor for the space of _____ calendar months :

These are therefore to command you, the said constables, or any one of you, to take the said X. Y., and him safely convey to the said common gaol at _____, aforesaid, and there deliver him to the keeper thereof, with this precept. And I (or we) do hereby command you, the said keeper of the said common gaol, to receive the said X.Y. into your custody in the said common gaol, there to imprison him and

to keep him at hard labor for the space of calendar months.

Given under my hand and seal (or our hands and seals),
this day of , A D 18 , at , in the
said of

C.D., (L.S.)

Police Magistrate.

or E.F., (L.S.)

J.P.

G.H., (L.S.)

J.P.

FORM Y.

Form of declaration of forfeiture and of order to destroy liquor seized.

If in the conviction, after adjudging penalty or imprisonment, proceed thus :

And I (or we) declare the said intoxicating liquor and vessels in which the same is kept, to wit : (*two barrels*) containing *beer*, *three jars* containing *whiskey*, *two bottles* containing *gin*, *four kegs* containing *lager beer*, and *five bottles* containing *native wine* (or as the case may be), to be forfeited to Her Majesty, and I (or we) do hereby order and direct that the said liquor and vessels be destroyed by the constable or peace officer who executed the search warrant under which the same was found or in whose custody the same was placed.

Given under my hand and seal the day and year first above mentioned, at &c.

If by separate subsequent order :

CANADA,) We, E. F. and G. H., two of Her Majesty's
of ,) justices of the peace for the
To wit :) of (or C.D., Police Magis-
trate of the city of ,) having on the
day of , one thousand eight hundred and
at the of in the
said duly convicted X. Y. of having unlawfully kept
intoxicating liquor for sale, contrary to the provisions of
the second part of "*The Canada Temperance Act*," then in
force in the said (*as the case may be*), do hereby
declare the said liquor and the vessels in which the same is
kept, to wit :—(*describe the same as above*), to be forfeited
to Her Majesty, and we (or I) do hereby order and direct
that J. P. W., license inspector of the of the said
do forthwith destroy the said liquor and vessels.

Given under our hands and seals (*or my hand and seal*)
this day of , at the of in the
said

E.F. (L.S.)

J.P.

G.H. (L.S.)

J.P.

or

C.D. (L.S.)

Police Magistrate.

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Excellent Majesty.



51 VICTORIA.

CHAP. 35.

An Act in amendment of "The Canada Temperance Act."

[Assented to 22nd May, 1888.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Short title.

1. This Act may be cited as "*The Canada Temperance Amendment Act, 1888.*"

Declaratory.

2. This Act shall be read and taken as if embodied in and forming part of "*The Canada Temperance Act.*"

Section 96 of Act repealed; new section.

3. Section ninety-six of "*The Canada Temperance Act*" is hereby repealed and the following substituted in lieu thereof:—

As to revocation of Order in Council.

"**96.** No Order in Council issued under this Act shall be revoked until after the expiration of three years from the date of the coming into force under it of the second part of this Act."

When petition for revocation may be submitted to vote.

2. No petition for the revocation of the Order in Council which declares "*The Canada Temperance Act*" in force shall be submitted to the vote of the electors more than thirty days before the expiration of three years from the coming into force of the second part of the said Act in any county or city.

Application of certain sections.

4. Sections five, six, seven and eight following and the forms in the schedule to this Act shall be read as if embodied in the first part of the said Act, but shall relate to proceedings for revoking the Order in Council which has brought the second part of the said Act into force.

Form of petition for revocation.

5. A petition to the Governor in Council praying for the revocation of any Order in Council, passed for bringing the second part of the said Act into force, may be in the form O of the schedule hereto or to the like effect.

6. Such petition may be embodied, as in form O in the schedule to this Act, in the notice in writing addressed to the Secretary of State of Canada and signed by electors qualified to vote at the election of a member of the House of Commons in a county or city, to the effect that the signers desire that the votes of such electors as, under the provisions of the said Act, are entitled to vote for the bringing into force of the second part of the said Act, be taken for and against the revocation of the Order in Council bringing the second part of the said Act into force.

Petition may form part of notice to Secretary of State.

7. The provisions of sections six to seventeen, both inclusive, and from twenty to ninety-three, both inclusive, shall apply *mutatis mutandis* to every case of a petition and notice for revocation of an Order in Council under this Act, and all the proceedings to be had and taken thereon, and in respect of the powers to be exercised, and the offences which may be committed, and the penalties that may be incurred in the course of, and in connection with such proceedings.

Application of certain provisions as respects revocation.

8. For the voting for the revocation of any such Order in Council the ballot of each voter shall be a printed paper, in this Act called a ballot paper, with a counterfoil, and the ballot paper and counterfoil shall be according to form P in the schedule to this Act, and in such ballot paper the words "*against the Act*" shall be printed in red ink and the words "*for the Act*" in black ink; and the printed directions to be furnished to the deputy returning officers shall be according to form Q in the schedule to this Act.

Form of ballot paper.

9. When any petition for the revocation of an Order in Council for the bringing into operation the second part of "*The Canada Temperance Act*" has been heretofore or is hereafter adopted by the electors of the county or city named therein, and to which the same relates, the Governor in Council may, at any time after the expiration of thirty days from the day on which the same was so adopted, by Order in Council published in the *Canada Gazette* declare, that the second part of the said Act shall no longer be in force; and section ninety-five of the said Act so far as inconsistent with the provisions of this section is hereby repealed.

When second part of Act may be declared to be no longer in force.

10. The provisions of section ninety-seven of "*The Canada Temperance Act*" shall be applicable to counties which have been divided for municipal purposes after the adoption of "*The Temperance Act of 1864*."

Application of section 97 in cases specified.

11. Nothing in "*The Canada Temperance Act*" shall be held to interfere with the purchase or sale, by legally qualified physicians, chemists or druggists, of the following articles, that is to say:—

Sale of certain articles not prohibited.

Official preparations. (a.) The officinal preparations of the authorized Pharmacopœas when made of full medicinal strength, and sold only for medicinal purposes ;

Prescriptions. (b.) Physicians' prescriptions containing spirituous liquors if sold in quantities of not more than ten ounces at any one time ;

Patent medicines. (c.) Any patent medicine, unless such patent medicine is known to the vendor to be capable of being used as a beverage, the sale of which is a violation of "*The Canada Temperance Act* ;"

Perfumery, &c. (d.) Eau de Cologne, bay rum, or other articles of perfumery, lotions, extracts, varnishes, tinctures, or other pharmaceutical preparations containing alcohol, but not intended for use as beverages ;

Methylated spirits, &c. (e.) Alcohol or methylated spirits, for pharmaceutical, chemical or mechanical uses :

Record of sales to be kept. 2. Each such sale shall be recorded in a book kept for the purpose giving the name and address of the purchaser, quantity and name of liquor, medical man prescribing the same, and the purpose for which it is required ; and the said book shall be kept open for inspection by the proper county Inspector at all times.

SCHEDULE.

FORM O.

Form of notice and petition for revocation of an Order in Council passed for bringing the second part of "The Canada Temperance Act" into force.

To the Hon. the Secretary of State of Canada.

SIR,—We the undersigned electors of the county (or city) of request you to take notice that we propose presenting the following petition to His Excellency the Governor General of Canada in Council :

The petition of the electors of the county (or city) of qualified and competent to vote at the election of a member of the House of Commons in the said county (or city) respectfully shows that your petitioners are desirous that the Order in Council passed for bringing into force within the said county (or city), the second part of "*The Canada Temperance Act*," should be revoked ; wherefore your petitioners humbly pray that your Excellency will be pleased by an Order in Council under section nine of "*The Canada Temperance Amendment Act, 1888*" to declare that the said Order in Council which brought into force and effect the said second part of the said "*The Canada Temperance Act*," in the said county (or city) shall no longer be in force.

And your petitioners will ever pray, &c.

And that we desire that the votes of the electors of the said county (or city) be taken for and against the revocation of the said Order in Council.

FORM P.

Form of Ballot Paper.

18 .

Voting on the petition to the Governor General for the revocation of the Order in Council which brought into force the second part of "*The Canada Temperance Act*" in the county (or city) of .

N B.—The crosses are for illustration.

Against the Act + (*)	+ For the Act. (**)
--------------------------	------------------------

(*) These words are to be printed in red ink.
 (**) These words are to be printed in black ink.

.....

(The dotted line will be a line of perforations for easily detaching the counterfoil.)

Counterfoil.

FORM Q.

Directions for guidance of Electors in voting.

The voter will go into one of the compartments, and with the pencil there provided place a cross thus + in the upper space if he votes against the Act and in the lower space if he votes for the Act.

The voter will then fold the ballot so as to show a portion of the back only with the number and initials of the deputy returning officer and deliver it to the deputy returning officer who will place it in the ballot box. The voter will then, forthwith, quit the polling station.

If a voter inadvertently spoils a ballot paper he can return it to the proper officer who, on being satisfied of the fact, will give him another.

If the voter places on the ballot paper more than one mark, or places any marks on it by which he can afterwards be identified, his vote will be void and will not be counted.

If the voter takes a ballot paper out of the polling station, or fraudulently puts any other paper into the ballot box than the ballot paper given him by the deputy returning officer he will be subject to be punished by fine or by imprisonment for a term not exceeding, six months with or without hard labor.

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51 VICTORIA.

CHAP. 36.

An Act to amend the Act respecting Defective Letters Patent and the discharge of securities to the Crown.

[Assented to 22nd May, 1888.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The Act chapter one hundred and seventeen of the Revised Statutes intituled "*An Act respecting Defective Letters Patent and the discharge of securities to the Crown*" is hereby amended by adding the following section thereto:—

R.S.C., c. 117 amended.

"3. From and after the first day of July in the year one thousand eight hundred and eighty-eight, any lands in the Province of Ontario theretofore bound by the registration in the office of the clerk of the former court of Queen's Bench in Toronto, of any deed, bond, contract or other instrument whereby any debt, obligation or duty is incurred or created to Her Majesty, or any of Her Royal predecessors, in respect of any matter within the authority of the Government of Canada, shall be released from the charge created by such registration, so far as the same is within the authority of the Government of Canada; but nothing herein contained shall be construed to affect the obligations of parties to any such deed, bond, contract, or other instrument, to Her Majesty or to each other, or to release any charge which may have been, previous to the said date, obtained against any such lands by virtue of any writ or other proceeding."

Lands released from certain charges.

Certain obligations not affected.

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51 VICTORIA.

CHAP. 37.

An Act further to amend "The Supreme and Exchequer Courts Act," chapter one hundred and thirty-five of the Revised Statutes of Canada.

[Assented to 22nd May, 1888.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Section 19 of
R.S.C., c. 135
repealed ;
new section.

1. Section nineteen of "*The Supreme and Exchequer Courts Act*," as amended by the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, and chaptered sixteen, is hereby repealed and the following substituted therefor :—

Quorum of
judges.

Proviso : as to
delivery of
judgments.

Opinion of
absent judge
may be read.

"**19.** Any five of the judges of the Supreme Court shall constitute a quorum and may lawfully hold the court : Provided always, that it shall not be necessary for all the judges who have heard the argument in any case to be present in order to constitute the court for delivery of judgment in such case, but in the absence of any judge, from illness or any other cause, judgment may be delivered by a majority of the judges who were present at the hearing ; and in such case it shall not be necessary for five judges to be present at the delivery of such judgment ; and any judge who has heard the case and is absent at the delivery of judgment, may hand his opinion in writing to any judge present at the delivery of judgment, to be read or announced in open court and then to be left with the registrar or reporter of the court."

Section 24
further
amended.

2. The paragraph lettered (*h.*) added to section twenty-four of the Act first above cited by section fifty-seven and schedule A of the Act secondly above cited, is hereby amended by inserting the words "British Columbia" after the words "New Brunswick" in the first line of the said paragraph.

Further
amendment.

3. The said section twenty-four is hereby further amended by adding the following at the end thereof :—

“(i.) And also by leave of the court or a judge thereof ^{Appeals from} from the decision of the Supreme Court of the North-West ^{N. W. T.} Territories, although the matter may not have originated in a superior court.”

4. The Registrar shall, under the supervision of the ^{Library of the} Minister of Justice, have the management and control of ^{Court.} the library of the court and the purchase of all books therefor.

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51 VICTORIA.

CHAP. 38.

An Act to amend the Act respecting the Judges of Provincial Courts, chapter one hundred and thirty-eight of the Revised Statutes.

[Assented to 22nd May, 1888.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 4 of
R.S.O., c. 138
amended.

I. Section four of the said Act is amended by striking out therefrom the words “eleven puisné judges of the said Court whose residences are fixed at Montreal or Quebec, each \$5,000 per annum” and inserting instead thereof the words following:—“twelve puisné judges of the said Court whose residences are fixed at Montreal or Quebec, each \$5,000 per annum.”

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51 VICTORIA.

CHAP. 39.

An Act to extend the jurisdiction of the Maritime Court of Ontario.

[Assented to 22nd May, 1888.]

WHEREAS it is expedient to extend the powers and jurisdiction of the Maritime Court of Ontario : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Maritime Court of Ontario shall have jurisdiction over any claim in respect of any mortgage upon any ship or vessel now or hereafter duly registered in the Province of Ontario, whether the ship or vessel or the proceeds thereof be under arrest of the court or not. Jurisdiction as to mortgages.

2. The jurisdiction conferred by this Act may be exercised by proceedings *in rem* or *in personam*. Exercise of jurisdiction.

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51 VICTORIA.

CHAP. 40.

An Act respecting the advertising of Counterfeit Money.

[Assented to 22nd May, 1888.]

Preamble.

WHEREAS attempts have been made in Canada to obtain money by offering to give in exchange spurious or counterfeit money or tokens or evidences of value under various names, and it is expedient to provide a remedy : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Interpretation.

“ Counterfeit token of value.”

1. In this Act the expression “ counterfeit token of value ” means any spurious or counterfeit coin, paper money, inland revenue stamp, postage stamp, or other evidence of value, by whatever technical, trivial or deceptive designation the same may be described.

Advertising counterfeit token of value.

2. Every one who prints, writes, utters, publishes, sells, lends, gives away, circulates or distributes any letter, writing, circular, paper, pamphlet, handbill or any written or printed matter advertising or offering or purporting to advertise or offer for sale, loan, exchange, gift or distribution, or to furnish, procure or distribute any counterfeit token of value, or what purports to be a counterfeit token of value, or giving or purporting to give, either directly or indirectly, information, where, how, of whom, or by what means any counterfeit token of value, or what purports to be a counterfeit token of value, may be procured or had—and every one who aids or assists in any manner in any scheme or device whatsoever, offering or purporting to offer for sale, loan, gift, exchange or distribution, any counterfeit token of value—and every one who purchases, exchanges, accepts, takes possession of, or in any way uses, or offers to purchase, exchange, accept, take possession of, or in any way use any such counterfeit token of value, or what purports so to be, is guilty of felony, and liable to five years’ imprisonment.

Accessories.

Purchasers.

Punishment.

3. Every one who, in executing, operating, promoting, carrying on, or in the aiding, assisting or abetting in the promoting, operating, carrying on or executing of any scheme or device whatsoever to defraud, by the use or by means of any papers, writings, letters, circulars or written or printed matters concerning the offering for sale, loan, gift, distribution or exchange of counterfeit tokens of value, uses any fictitious, false or assumed name or address, or name or address other than his own right, proper and lawful name,—
 and every one who, in the executing, operating, promoting, carrying on, aiding, assisting or abetting in the execution, promoting or carrying on of any scheme or device, offering for sale, loan, gift or distribution, or purporting to offer for sale, loan, gift or distribution, or giving or purporting to give information, directly or indirectly, where, how, of whom or by what means any counterfeit token of value may be obtained or had, knowingly receives or takes from the mails, or from the post office, any letter or package addressed to any such fictitious, false or assumed name or address, or name other than his own right, proper or lawful name, is guilty of felony and liable to five years' imprisonment.

Assuming false name in connection with any such offence.

Receiving letters addressed to false name.

Punishment.

4. Any letter, circular, writing or paper offering or purporting to offer for sale, loan, gift or distribution, or giving or purporting to give information, directly or indirectly, where, how, of whom or by what means any counterfeit token of value may be obtained or had, or concerning any similar scheme or device to defraud the public, shall be *prima facie* evidence of the fraudulent character of such scheme or device.

What shall be evidence.

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51 VICTORIA.

CHAP. 41.

An Act to amend the law relating to fraudulent marks on Merchandise.

[Assented to 22nd May, 1888.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as "*The Merchandise Marks Offences Act*, 1888."

Interpretation.

"Trade mark."

2. In this Act, unless the context otherwise requires,—

(a.) The expression "trade mark" means a trade mark or industrial design registered in accordance with "*The Trade Mark and Design Act*" and the registration whereof is in force under the provisions of the said Act, and includes any trade mark which, either with or without registration, is protected by law in any British possession or foreign State to which the provisions of section one hundred and three of the Act of the United Kingdom, known as "*The Patents, Designs, and Trade Marks Act*, 1883," are, in accordance with the provisions of the said Act, for the time being applicable;

"Trade description"

(b.) The expression "trade description" means any description, statement, or other indication, direct or indirect,—

(1.) As to the number, quantity, measure, gauge, or weight of any goods; or—

(2.) As to the place or country in which any goods were made or produced; or—

(3.) As to the mode of manufacturing or producing any goods; or—

(4.) As to the material of which any goods are composed, or—

(5.) As to any goods being the subject of an existing patent, privilege, or copyright;

And the use of any figure, word, or mark which, according to the custom of the trade, is commonly taken to be an indication of any of the above matters, shall be deemed to be a trade description within the meaning of this Act;

(c.) The expression "false trade description" means a trade description which is false in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement, or otherwise, where that alteration makes the description false in a material respect; and the fact that a trade description is a trade mark, or part of a trade mark, shall not prevent such trade description being deemed to be a false trade description within the meaning of this Act; "False trade description."

(d.) The expression "goods" means anything which is merchandise or the subject of trade or manufacture; "Goods."

(e.) The expression "covering" includes any stopper, cask, bottle, vessel, box, cover, capsule, case, frame or wrapper; and the expression "label" includes any band or ticket; "Covering."

(f.) The expressions "person, manufacturer, dealer, or trader," and "proprietor" include any body of persons corporate or unincorporate; "Person, &c." "Proprietor."

(g.) The expression "name" includes any abbreviation of a name; "Name."

2. The provisions of this Act respecting the application of a false trade description to goods extend to the application to goods of any such figures, words or marks, or arrangement or combination thereof, whether including a trade mark or not, as are reasonably calculated to lead persons to believe that the goods are the manufacture or merchandise of some person other than the person whose manufacture or merchandise they really are : Use of false trade description.

3. The provisions of this Act respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, shall extend to the application to goods of any false name or initials of a person, and to goods with the false name or initials of a person applied, in like manner as if such name or initials were a trade description, and for the purpose of this enactment the expression "false name or initials" means as applied to any goods, any name or initials of a person which— And as to name, &c. "False name or initials."

(a.) Are not a trade mark, or part of a trade mark, and—

(b.) Are identical with, or a colorable imitation of the name or initials of a person carrying on business in connection with goods of the same description, and not having authorized the use of such name or initials, or—

(c.) Are either those of a fictitious person or of some person not *bonâ fide* carrying on business in connection with such goods.

3. A person shall be deemed to forge a trade mark who either— Forgery of a trade mark.

(a.) Without the assent of the proprietor of the trade mark makes that trade mark or a mark so nearly resembling that trade mark as to be calculated to deceive; or—

(b.) Falsifies any genuine trade mark, whether by alteration, addition, effacement, or otherwise;

And any trade mark or mark so made or falsified is, in this Act, referred to as a forged trade mark:

Proviso.

Provided, that in any prosecution for forging a trade mark the burden of proving the assent of the proprietor shall lie on the defendant.

Application of trade mark or trade description.

4. A person shall be deemed to apply a trade mark, or mark, or trade description to goods who—

(a.) Applies it to the goods themselves; or—

(b.) Applies it to any covering, label, reel, or other thing in or with which the goods are sold or exposed or had in possession for any purpose of sale, trade, or manufacture; or—

(c.) Places, encloses, or annexes any goods which are sold or exposed or had in possession for any purpose of sale, trade, or manufacture, in, with or to any covering, label, reel, or other thing to which a trade mark or trade description has been applied; or—

(d.) Uses a trade mark or mark or trade description in any manner calculated to lead to the belief that the goods in connection with which it is used are designated or described by that trade mark or mark or trade description:

Manner of application.

2. A trade mark or mark or trade description, shall be deemed to be applied whether it is woven, impressed or otherwise worked into, or annexed or affixed to the goods, or to any covering, label, reel or other thing:

What shall be false application.

3. A person shall be deemed to falsely apply to goods a trade mark or mark, who, without the assent of the proprietor of a trade mark, applies such trade mark, or a mark so nearly resembling it as to be calculated to deceive; but in any prosecution for falsely applying a trade mark or mark to goods, the burden of proving the assent of the proprietor shall lie on the defendant.

What defence may be pleaded in case specified.

5. Whenever a defendant is charged with making any die, block, machine or other instrument for the purpose of forging, or being used for forging a trade mark, or with falsely applying to goods any trade mark, or any mark so nearly resembling a trade mark as to be calculated to deceive, or with applying to goods any false trade description, or causing any of the things in this section mentioned to be done, and proves—

Ordinary business.

(a.) That in the ordinary course of his business he is employed, on behalf of other persons, to make dies, blocks, machines or other instruments for making, or being used in making, trade marks, or, as the case may be, to apply marks or descriptions to goods, and that in the case which is the subject of the charge he was so employed by some person resident in Canada, and was not interested in the goods by way of profit or commission dependent on the sale of such goods; and—

(b.) That he took reasonable precautions against committing the offence charged; and— Precautions.

(c.) That he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the trade mark, mark or trade description; and— Supposed genuineness.

(d.) That he gave to the prosecutor all the information in his power with respect to the person by or on whose behalf the trade mark, mark or description was applied.— Information communicated.

He shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he has given due notice to him that he will rely on the above defence. Discharge in such case.

6. Every person who—

(a.) Forges any trade mark; or—

(b.) Falsely applies to goods any trade mark, or any mark so nearly resembling a trade mark as to be calculated to deceive; or— What shall be deemed offences against this Act.

(c.) Makes any die, block, machine or other instrument, for the purpose of forging, or of being used for forging, a trade mark; or—

(d.) Applies any false trade description to goods; or—

(e.) Disposes of, or has in his possession, any die, block, machine or other instrument, for the purpose of forging a trade mark; or—

(f.) Causes any of the things in this section above mentioned to be done,—

Is, subject to the provisions of this Act, and unless he proves that he acted without intent to defraud, guilty of an offence against this Act.

2. Every person who sells, or exposes for, or has in his possession for sale, or any purpose of trade or manufacture, any goods or things to which any forged trade mark or false trade description is applied, or to which any trade mark, or mark so nearly resembling a trade mark as to be calculated to deceive is falsely applied, as the case may be, unless he proves— The same as to sale, &c., of goods falsely marked.

(a.) That having taken all reasonable precautions against committing an offence against this Act, he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the trade mark, mark or trade description; and— Defence. Precautions.

(b.) That on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things; or— Information communicated.

(c.) That otherwise he had acted innocently,— Good faith.
Is guilty of an offence against this Act.

7. Every person, other than the lawful owner of the bottles and proprietor of the trade mark hereinafter referred to, who sells, or exposes or offers for sale, or traffics in bottles marked with trade mark. Offence in relation to bottles marked with trade mark.

marked with the trade mark of the owner thereof, and without the assent of such owner, is guilty of an offence against this Act.

Punishment. 8. Every person guilty of an offence against this Act is liable—

On indictment. (a.) On conviction on indictment, to imprisonment, with or without hard labor, for a term not exceeding two years, or to fine, or to both imprisonment and fine; and—

On summary conviction. (b.) On summary conviction, to imprisonment, with or without hard labor, for a term not exceeding four months, or to a fine not exceeding one hundred dollars; and in case of a second or subsequent conviction to imprisonment, with or without hard labor, for a term not exceeding six months, or to a fine not exceeding two hundred and fifty dollars:

Forfeiture. 2. In any case every chattel, article, instrument, or thing, by means of, or in relation to which the offence has been committed shall be forfeited.

Appeal. 9. If any person feels aggrieved by any conviction made by a court of summary jurisdiction, he may appeal therefrom in accordance with the provisions of "*The Summary Convictions Act*."

R.S.C., c. 178 to apply. 10. Any offence for which a person is, under this Act, liable to punishment on summary conviction, may be prosecuted, and any articles forfeited under this Act may be declared forfeited under the provisions of "*The Summary Convictions Act*."

As to words or marks on watch cases. 11. Where a watch case has thereon any words or marks which constitute, or are by common repute considered as constituting, a description of the country in which the watch was made, and the watch bears no description of the country where it was made, those words or marks shall *primâ facie* be deemed to be a description of that country within the meaning of this Act, and the provisions of this Act with respect to goods to which a false description has been applied, and with respect to selling or exposing for, or having in possession for sale, or any purpose of trade or manufacture, goods with a false trade description, shall apply accordingly; and for the purposes of this section the expression "watch" means all that portion of a watch which is not the watch case.

What only need be alleged in proceedings. 12. In any indictment, pleading, proceeding, or document, in which any trade mark, or forged trade mark, is intended to be mentioned, it shall be sufficient, without further description and without any copy or fac-simile, to state that trade mark, or forged trade mark, to be a trade mark, or forged trade mark.

13. In any prosecution for an offence against this Act,— Evidence.

(a.) A defendant, and his wife or her husband, as the case Of wife or husband. may be, may, if the defendant thinks fit, be called as a witness, and, if called, shall be sworn and examined, and may be cross-examined and re-examined in like manner as any other witness ;

(b.) In the case of imported goods, evidence of the port of Of port of shipment. shipment shall be *primâ facie* evidence of the place or country in which the goods were made or produced.

14. Whenever upon information of an offence against this Act, a justice has issued either a summons requiring the defendant charged by such information to appear to answer to the same, or a warrant for the arrest of such defendant, and either the said justice, on or after issuing the summons or warrant, or any other justice, is satisfied, by information on oath, that there is reasonable cause to suspect that any goods or things, by means of or in relation to which such offence has been committed are in any house or premises of the defendant, or otherwise in his possession or under his control in any place, such justice may issue a warrant under his hand by virtue of which it shall be lawful for any constable named or referred to in the warrant to enter such house, premises or place at any reasonable time by day, and to search there for and seize and take away those goods or things ; and any goods or things seized under any such warrant shall be brought before a court of summary jurisdiction for the purpose of its being determined whether the same are or are not forfeited under this Act: Search warrant may be issued.

2. If the owner of any goods or things which, if the owner thereof had been convicted, would be forfeited under this Act, is unknown or cannot be found, an information or complaint may be laid for the purpose only of enforcing such forfeiture, and a court of summary jurisdiction may cause notice to be advertised stating that, unless cause is shown to the contrary at the time and place named in the notice, such goods or things will be declared forfeited ; and at such time and place the court, unless the owner, or any person on his behalf, or other person interested in the goods or things, shows cause to the contrary, may declare such goods or things, or any of them, forfeited. Proceedings thereunder.

15. Any goods or things forfeited under any provision of this Act, may be destroyed or otherwise disposed of in such a manner as the court, by which the same are declared forfeited, directs ; and the court may, out of any proceeds realized by the disposition of such goods (all trade marks and trade descriptions being first obliterated), award to any innocent party any loss he may have innocently sustained in dealing with such goods. Service of notice by advertisement.

16.

Costs.

16. On any prosecution under this Act the court may order costs to be paid to the defendant by the prosecutor, or to the prosecutor by the defendant, having regard to the information given by and the conduct of the defendant and prosecutor respectively.

Limitation.

17. No prosecution for an offence against this Act shall be commenced after the expiration of three years next after the commission of the offence, or of one year next after the first discovery thereof by the prosecutor, whichever expiration first happens.

Warranty of trade marks, &c.

18. On the sale or in the contract for the sale of any goods to which a trade mark or mark or trade description has been applied, the vendor shall be deemed to warrant that the mark is a genuine trade mark and not forged or falsely applied, or that the trade description is not a false trade description within the meaning of this Act, unless the contrary is expressed in some writing signed by or on behalf of the vendor and delivered at the time of the sale or contract to and accepted by the vendee.

Existing rights saved.

19. Where, at the passing of this Act, a trade description is lawfully and generally applied to goods of a particular class, or manufactured by a particular method, to indicate the particular class or method of manufacture of such goods, the provisions of this Act with respect to false trade descriptions shall not apply to such trade descriptions when so applied: Provided, that where such trade description includes the name of a place or country, and is calculated to mislead as to the place or country where the goods to which it is applied were actually made or produced, and the goods are not actually made or produced in that place or country, this section shall not apply, unless there is added to the trade description, immediately before or after the name of that place or country, in an equally conspicuous manner, with that name, the name of the place or country in which the goods were actually made or produced, with a statement that they were made or produced there.

When name of country is calculated to deceive.

Rights of action saved.

20. This Act shall not exempt any person from any civil action, suit or other proceeding which might, but for the provisions of this Act, be brought against him:

Discovery to be made and questions answered.

2. Nothing in this Act shall entitle any person to refuse to make a complete discovery, or to answer any question or interrogatory in any action, but such discovery or answer shall not be admissible in evidence against such person in any prosecution for an offence against this Act:

Liability of servants.

3. Nothing in this Act shall be construed so as to render liable to any prosecution or punishment any servant of a master, resident in Canada, who *bonâ fide* acts in obedience to the instructions of such master, and, on demand made by

or on behalf of the prosecutor, has given full information as to his master.

21. Every person who falsely represents that any goods are made by a person holding a Royal Warrant, or for the service of Her Majesty, or any of the Royal Family, or any Government Department of the United Kingdom or of Canada is liable, on summary conviction, to a penalty not exceeding one hundred dollars. As to use of royal title, &c.

22. The importation of any goods which, if sold, would be forfeited under the foregoing provisions of this Act, and of goods manufactured in any foreign state or country which bear any name or trade mark which is or purports to be the name or trade mark of any manufacturer, dealer or trader in the United Kingdom or in Canada is hereby prohibited, unless such name or trade mark is accompanied by a definite indication of the foreign state or country in which the goods were made or produced; and any person who imports or attempts to import any such goods shall be liable to a penalty of not more than five hundred dollars, nor less than two hundred dollars, recoverable on summary conviction, and the goods so imported or attempted to be imported shall be forfeited and may be seized by any officer of the Customs and dealt with in like manner as any goods or things forfeited under this Act: Importation of goods specified prohibited.

Penalty and forfeiture.

2. Whenever there is on any goods a name which is identical with or a colorable imitation of the name of a place in the United Kingdom or in Canada, such name, unless it is accompanied by the name of the state or country in which it is situate, shall, unless the Minister of Customs decides that the attaching of such name is not calculated to deceive (of which matter the said Minister shall be the sole judge) be treated, for the purposes of this section, as if it was the name of a place in the United Kingdom or in Canada: Name of country to be given in certain cases.

3. The Governor in Council may, whenever he deems it expedient in the public interest, declare that the provisions of the two sub-sections next preceding shall apply to any city or place in any foreign state or country, and after the publication in the *Canada Gazette* of the Order in Council made in that behalf, such provisions shall apply to such city or place in like manner as they apply to any place in the United Kingdom or in Canada, and may be enforced accordingly: Application of section to other places than those

4. The Governor in Council may, from time to time, make regulations, either general or special, respecting the detention and seizure of goods, the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and seizure, and may, by such regulations, determine the information, notices and security to be given, and the evidence necessary for any of Regulations may be made.

the purposes of this section, and the mode of verification of such evidence :

Reimburse-
ment of ex-
penses.

5. The regulations may provide for the reimbursing by the informant to the Minister of Customs of all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent upon such detention :

Application
of regula-
tions.

6. Such regulations may apply to all goods the importation of which is prohibited by this section, or different regulations may be made respecting different classes of such goods or of offences in relation to such goods :

Publication
and taking
effect.

7. All such regulations shall be published in the *Canada Gazette* and shall have force and effect from the date of such publication.

R.S.C., c. 168
repealed.

23. This Act shall be substituted for chapter one hundred and sixty-six of the Revised Statutes, respecting the fraudulent marking of merchandise, which is hereby repealed.

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51 VICTORIA. •

CHAP. 42.

An Act respecting Gaming in Stocks and Merchandise.

[Assented to 22nd May, 1888.]

WHEREAS gaming and wagering on the rise and fall in value of stocks and merchandise are detrimental to commercial and public morality, and places affording facilities for such gaming and wagering, commonly called *bucket shops*, are being established; and it is expedient to prevent such gaming and wagering, to punish the persons engaged in them, and to prohibit and punish the opening and maintaining of places therefor, and the frequenting thereof: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. Every one who,—

(a.) With the intent to make gain or profit by the rise or fall in price of any stock of any incorporated or unincorporated company or undertaking, either in Canada or elsewhere, or of any goods, wares or merchandise, and without the *bonâ fide* intention of acquiring any such shares, goods, wares or merchandise, or of selling the same, as the case may be, makes or signs, or authorizes to be made or signed, any contract or agreement, oral or written, purporting to be for the sale or purchase of any such shares of stock, goods, wares or merchandise; and every one who acts, aids or abets in the making or signing of any such contract or agreement; or—

Making pretended contracts of sale or purchase of stocks, goods, &c., or abetting the same.

(b.) With the intent to make gain or profit by the rise or fall in price of any stock of any incorporated or unincorporated company or undertaking, either in Canada or elsewhere, or of any goods, wares or merchandise, makes or signs, or authorizes to be made or signed, any contract or agreement, oral or written, purporting to be for the sale or purchase of any such shares of stock, goods, wares or merchandise, in respect of which no delivery of the thing sold or purchased is made or received, and without the *bonâ fide* intention to make or receive such delivery; and every one who acts, aids or abets in the making or signing of any such contract or agreement;

Making such contracts without intent to execute, or abetting the same.

Penalty.

Is guilty of a misdemeanor and liable to imprisonment for any term not exceeding five years, and to a fine not exceeding five hundred dollars; but the foregoing provisions shall not apply to cases where the broker of the purchaser receives delivery, on his behalf, of the article sold, notwithstanding that such broker retains or pledges the same as security for the advance of the purchase money or any part thereof;

Punishment of frequenters of places where such pretended contracts are used to be made.

2. Every one who habitually frequents any office or place wherein the making or signing, or procuring to be made or signed, or the negotiating or bargaining for the making or signing, of such contracts of sale or purchase, as aforesaid, is carried on, is guilty of a misdemeanor and liable to one year's imprisonment.

Burden of proof of intention.

2. Whenever it is established that any person has made or signed any such contract or agreement of sale or purchase, as aforesaid, or has acted, aided or abetted in the making or signing of the same, the burden of proof of the *bond fide* intention to acquire or to sell such shares, goods, wares or merchandise, or to deliver or to receive delivery of the same, as the case may be, shall rest upon the person charged with an offence under this Act.

Keepers of places where such business is carried on, deemed keepers of gaming houses.

3. Every one who, either as principal or agent, occupies, uses, manages or maintains any office or place of business wherein he carries on, or aids in carrying on, the business of making or signing, or procuring to be made or signed, or negotiating or bargaining for the making or signing of such contracts of sale or purchase, as aforesaid, shall be held to be the keeper of a common gaming house, and such office or place of business shall be held to be a common gaming-house, and the instruments used in such office or place of business for the conveyance of messages in respect of the purchase or sale, or pretended purchase or sale, of any such shares, goods, wares or merchandise, and the tablets, black-boards, slates or other implements used in registering or recording the prices of such shares of stock, goods, wares or merchandise, or the fluctuations therein, shall be held to be implements of gaming, the whole within the meaning of chapter one hundred and fifty-eight of the Revised Statutes of Canada, intituled "*An Act respecting Gaming Houses*," and shall be subject to all the provisions of the said Act.

Instruments, &c., deemed implements of gaming.

R S.C., c. 158.

Accused may be witness in his own behalf.

4. In any prosecution under this Act the person accused shall be a competent witness on his own behalf.



51 VICTORIA.

CHAP. 43.

An Act further to amend the law respecting Procedure
in Criminal Cases.

[Assented to 4th May, 1888.]

HER Majesty, by and with the advice and consent of the Preamble.
Senate and House of Commons of Canada, enacts as
follows :—

1. The fifth sub-section of the section substituted by the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter fifty, for section two hundred and sixty-eight of "*The Criminal Procedure Act*" is hereby repealed and the following sub-section enacted in lieu thereof:—

Sub-section 5 of s. 268 of R.S.C., c. 174 repealed; new sub-section.

" 5. Notwithstanding any royal prerogative, or anything contained in "*The Interpretation Act*" or in "*The Supreme and Exchequer Courts Act*," no appeal shall be brought in any criminal case from any judgment or order of any court in Canada to any court of appeal or authority, by which in the United Kingdom appeals or petitions to Her Majesty in Council may be heard."

No appeal to any court in the United Kingdom.

2. Section two hundred and sixty-seven of "*The Criminal Procedure Act*" is hereby amended by striking out in the second and third lines thereof the words "or any indictment, information, presentment or inquisition."

Section 267 amended.

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51 VICTORIA.

CHAP. 44.

An Act further to amend "The Criminal Procedure Act."

[Assented to 22nd May 1888.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Section 2 of
R.S.C., c. 174
amended.

1. Section two of chapter one hundred and seventy-four of the Revised Statutes of Canada, "*The Criminal Procedure Act*," is hereby amended by adding the following paragraph thereto :—

Interpreta-
tion.

"Newspaper."

"(i.) The expression "newspaper" means any paper containing public news, intelligence or occurrences, or any remarks or observations therein, printed for sale and published periodically or in any parts or numbers at intervals not exceeding twenty-six days between the publication of any two such papers, parts or numbers, and also any paper printed in order to be distributed and made public weekly or oftener, or at intervals not exceeding twenty-six days, and containing only or principally advertisements."

Venue in case
of libel in a
newspaper.

2. Every proprietor, publisher, editor or other person charged with the publication in a newspaper of any defamatory libel shall be dealt with, indicted, tried and punished in the Province in which he resides, or in which such newspaper is printed.

Section 140
amended.

3. Section one hundred and forty of the said Act is hereby amended by adding to the list of offences therein mentioned the offence of libel.

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51 VICTORIA.

CHAP. 45.

An Act to amend chapter one hundred and seventy-eight of the Revised Statutes of Canada, "The Summary Convictions Act."

[Assented to 22nd May, 1888.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sections twenty-nine and thirty of "*The Summary Convictions Act*" are hereby repealed and the following substituted in lieu thereof:—

R.S.C., c. 178
ss. 29 and 30
repealed;
new sections

WITNESSES.

"29. If it is made to appear to any justice, by the oath or affirmation of any credible person, that any person is likely to give material evidence on behalf of the prosecutor or complainant or defendant, and will not voluntarily appear as a witness at the time and place appointed for the hearing of the information or complaint, the justice shall issue his summons (E 1) to such person, requiring him to be and appear at a time and place mentioned in the summons, before such justice, or any other justice in and for the territorial division, who shall then be there, to testify what he knows concerning the information or complaint; and such summons may be served by the constable, police officer or other person to whom the same is delivered as well beyond as within the territorial division of the justice who issued the same."

Summons to person likely to give material evidence.

Service of summons.

"30. If any person so summoned neglects or refuses to appear at the time and place appointed by the summons, and no just excuse is offered for such neglect or refusal, then, after proof upon oath or affirmation of the summons having been served upon him, either personally or by leaving the same for him with some person at his last or most usual place of abode, the justice before whom such person should have appeared may, by his warrant, cause such person

Warrant if such person fails to appear.

Detention.

Release on bail.

Charge of contempt may be inquired into.

Execution of warrant.

Form E 2 repealed; new forms.

Section 31 amended; execution of warrant.

Section 32 amended.

Section 37 repealed; new section. Prosecutor and complainant, competent witnesses.

to be apprehended and forthwith brought before him to give evidence as required by such summons, and to answer for his disregard of the same; and such person may be detained on such warrant before the justice who issued the summons, or before any other justice in and for the same territorial division who shall then be there, or in the common gaol, or in any other place of confinement, or in the custody of the person having him in charge, with a view to secure his presence as a witness on the day fixed for the trial; or in the discretion of the justice such person may be released on recognizances, with or without sureties, conditioned for his appearance to give evidence as therein mentioned, and to answer for his default in not attending upon the said summons as for contempt; and the justice may, in a summary manner, examine into and dispose of the charge of contempt against such person, who, if found guilty thereof, may be ordered to pay the costs incident to the service of the said summons and warrant and of his detention in custody:

"2. The said warrant may be executed by the constable, police officer or other person to whom the same is delivered, or by any other person, as well beyond as within the territorial division of the justice who issued the same."

2. The form (E 2) in the said Act is hereby repealed, and the form of such warrant under the provisions of section thirty of the said Act as hereby amended, and any conviction made thereunder, shall be in the forms A and B, respectively, in the schedule to this Act, and the same shall be authority to the persons and officers therein required to act, to do as therein they are respectively directed.

3. Section thirty-one of the said Act is amended by striking out the words in the last two lines thereof as follows:—"and the warrant may, if necessary, be backed as aforesaid," and inserting in lieu thereof the words:—"and such warrant may be executed by the person to whom the same is delivered as well beyond as within the territorial division of the justice issuing the same."

4. Section thirty-two of the said Act is amended by striking out the word "ten" in the thirteenth line thereof and inserting in lieu thereof the word "thirty."

5. Section thirty-seven of the said Act is hereby repealed, and the following substituted therefor:—

"37. Every prosecutor of any information and every complainant in any complaint shall be a competent witness to support such information or complaint, notwithstanding that such prosecutor or complainant may have a pecuniary interest in the result, and unless otherwise provided by statute a conviction may be had upon the evidence of such person alone."

6. Section fifty-nine of the said Act is hereby amended by adding thereto the following sub-section :—

Section 59 amended.

"2. The costs to be awarded under this and the next preceding section shall be such as are payable according to the tariff or tariffs of fees prescribed by the law of the Province in which the prosecution takes place upon similar proceedings by and before justices for offences against the law of that Province; and if no such fees are prescribed, then the tariff applicable shall be the tariff of fees prescribed as to civil cases."

Provision as to costs.

7. Section seventy-six of the said Act is hereby repealed and the following substituted therefor :

Section 76 repealed, new section.

"**76.** Unless it is otherwise provided in any special Act under which a conviction takes place or an order is made by a justice for the payment of money or dismissing an information or complaint, any person who thinks himself aggrieved by any such conviction or order, the prosecutor or complainant, as well as the defendant, may appeal, in the Province of Ontario, to the Court of General Sessions of the Peace; in the Province of Quebec, to the Court of Queen's Bench, Crown side; in the Provinces of Nova Scotia, New Brunswick and Manitoba, to the county court of the district or county where the cause of the information or complaint arose; in the Province of Prince Edward Island, to the Supreme Court; in the Province of British Columbia, to the county or district court, at the sitting thereof which shall be held nearest to the place where the cause of the information or complaint arose; and in the North-West Territories, to a judge of the Supreme Court of the said Territories, sitting without a jury, at the place where the cause of the information or complaint arose, or the nearest place thereto where a court is appointed to be held :

Appeal by persons aggrieved.

To what court in each province.

"2. In the Districts of Muskoka and Parry Sound, in the Province of Ontario, such person may appeal to the Court of General Sessions of the Peace for Muskoka and Parry Sound; in the Provisional County of Haliburton, to the Court of General Sessions of the Peace for the County of Victoria in the said Province; in the District of Thunder Bay, to the Court of General Sessions of the Peace for the District of Algoma; and in the District of Nipissing, to the Court of General Sessions of the Peace for the County of Renfrew."

In certain districts and provisional counties in Ontario.

8. Section seventy-seven of the said Act is hereby repealed and the following substituted therefor :—

Section 77 repealed; new section.

"**77.** Every right of appeal shall, unless it is otherwise provided in any special Act, be subject to the conditions following, that is to say :—

Conditions of appeal.

"(a.) If the conviction or order is made more than fourteen days before the sittings of the court to which the appeal is given,

To what sittings appeal shall be made.

given, such appeal shall be made to the then next sittings of such court ; but if the conviction or order is made within fourteen days of the sittings of such court, then to the second sittings next after such conviction or order ;

Notice.

“(b.) The appellant shall give to the respondent, or to the convicting justice, for him, a notice in writing (R) of such appeal, within ten days after such conviction or order ;

Appellant to remain in custody or give security.

“(c.) The appellant shall either remain in custody until the holding of the court to which the appeal is given, or shall enter into a recognizance (S) with two sufficient sureties, before a justice, conditioned personally to appear at the said court, and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as are awarded by the court ; or, if the appeal is against any conviction or order, whereby only a penalty or sum of money is adjudged to be paid, the appellant (although the order directs imprisonment in default of payment), instead of remaining in custody as aforesaid, or giving such recognizance as aforesaid, may deposit with the justice convicting or making the order such sum of money as such justice deems sufficient to cover the sum so adjudged to be paid, together with the costs of the conviction or order, and the costs of the appeal ; and upon such recognizance being given, or such deposit being made, the justice before whom such recognizance is entered into, or deposit made, shall liberate such person, if in custody ;

Or make deposit in certain cases.

Proceedings on appeal.

“(d.) The court to which such appeal is made shall thereupon hear and determine the matter of appeal and make such order therein, with or without costs to either party, including costs of the court below, as seems meet to the court,—and, in case of the dismissal of the appeal or the affirmance of the conviction or order, shall order and adjudge the appellant to be punished according to the conviction, or to pay the amount adjudged by the said order, and to pay such costs as are awarded,—and shall, if necessary, issue process for enforcing the judgment of the court ; and whenever, after any such deposit has been made as aforesaid, the conviction or order is affirmed, the court may order the sum thereby adjudged to be paid, together with the costs of the conviction or order, and the costs of the appeal, to be paid out of the money deposited, and the residue, if any, to be repaid to the appellant ; and whenever, after any such deposit, the conviction or order is quashed, the court shall order the money to be repaid to the appellant ;

If the conviction or order is affirmed.

If quashed.

Proceedings may be adjourned.

“(e.) The said court shall have power, if necessary, from time to time, by order indorsed on the conviction or order, to adjourn the hearing of the appeal from one sittings to another, or others, of the said court ;

Memorandum of quashing.

“(f.) Whenever any conviction or order is quashed on appeal, as aforesaid, the clerk of the peace or other proper officer shall forthwith indorse on the conviction or order a memorandum that the same has been quashed ; and when-

ever any copy or certificate of such conviction or order is made, a copy of such memorandum shall be added thereto, and shall, when certified under the hand of the clerk of the peace, or of the proper officer having the custody of the same, be sufficient evidence, in all courts and for all purposes, that the conviction or order has been quashed." Its effect.

9. Section eighty-five of the said Act is hereby repealed and the following substituted therefor:— Section 85 repealed; new section.

"85. Every justice before whom any person is summarily tried, shall transmit the conviction or order to the court to which the appeal is herein given, in and for the district, county or place wherein the offence is alleged to have been committed, before the time when an appeal from such conviction or order may be heard, there to be kept by the proper officer among the records of the court; and if such conviction or order has been appealed against, and a deposit of money made, such justice shall return the deposit into the said court; and the conviction or order shall be presumed not to have been appealed against, until the contrary is shown." Justice convicting to transmit the conviction or order,
And the deposit money, if any.

10. Section ninety-two of the said Act is hereby repealed and the following substituted therefor:— Section 92 repealed; new section.

"92. No order, conviction or other proceeding shall be quashed or set aside, and no defendant shall be discharged by reason of any objection that evidence has not been given of a proclamation or order of the Governor General in Council, or of the publication of such proclamation or order in the *Canada Gazette*; but such proclamation or order and the publication thereof shall be judicially noticed." Court to take judicial notice of proclamations and publication thereof.

SCHEDULE.

FORM A.

FORM OF WARRANT TO APPREHEND A WITNESS WHERE HE
HAS NOT OBEYED A SUMMONS.

CANADA. }
Province of
district (or county,
united counties, or
as the case may be),
of

To all or any of the constables and other peace officers in the said district (or county, united counties, or as the case may be), of

Whereas information was laid (or complaint was made) before , a justice of the peace in and for the

said district (or county, united counties, or as the case may be), of _____, for that (&c., as in the summons), and it having been made to appear to (me) upon oath that E. F., of _____, in the district (or county, united counties, or as the case may be), (laborer) was likely to give material evidence on behalf of the (prosecutor, or as the case may be), (I) did duly issue (my) summons to the said E. F., requiring him to be and appear on _____, at _____ o'clock in the (fore) noon of the same day, at _____, before me or such justice or justices of the peace for the said district (or county, united counties, or as the case may be), as should then be there, to testify to what he knew concerning the said A. B., or the matter of the said information (or complaint); and whereas proof has this day been made before (me), upon oath, of such summons having been duly served upon the said E. F.; and whereas the said E. F. has neglected to appear at the time and place appointed by the said summons, and no just excuse has been offered for such neglect: these are, therefore, to command you to take the said E. F., and to bring and have him on _____, at _____ o'clock in the (fore) noon, at _____, before (me) or such justice or justices of the peace for the said district (or county, united counties, or as the case may be), as shall then be there, to testify what he knows concerning the said information (or complaint), and also to answer his contempt for such neglect.

Given under (my) hand and seal _____ day of _____ in the year _____, at _____ in the district (or county, united counties, or as the case may be), aforesaid.

J. S. [L. s.]

FORM B.

FORM OF CONVICTION FOR CONTEMPT.

CANADA,
Province of _____
district (or county,
united counties, or
as the case may be),
of _____

Be it remembered, that on the _____ day of _____ in the year _____, at _____, in the said district (or county, united counties, or as the case may be), E. F. is convicted before the undersigned, _____ a justice of the peace in and for the said district (or county, united counties, or as the case may be), for that on the _____ day of _____ A. D. 18 _____, complaint (or information) having been laid before (me) that A. B. (*stating the offence and time when and place where it was alleged to have been committed*) and the said

E. F. having been duly summoned to attend before (me) to testify what he knew concerning the said A. B. in the matter of the said information (or complaint) the said E. F. did not attend before (me) on the trial, but made default therein and has not shown any sufficient excuse for such default; and I adjudge the said E. F. for his said offence to pay to (*either the prosecutor or the defendant*) the sum of
for his costs in this behalf sustained,
and I do also adjudge that the said E. F. be imprisoned in the common gaol of the said district (or county, united counties, or *as the case may be*) for the space of
there to be kept at hard labor; (*and in case of fine*) and I do also further adjudge that the said E. F. do forthwith pay to and for the use of Her Majesty a fine of and in default of payment of the said fine and costs that the same with the cost of collection be levied by distress and sale of the goods and chattels of the said E. F. (*or in case a fine alone is imposed, then the clause for imprisonment is to be omitted.*)

Given under (my) hand and seal, the day and year first above mentioned at _____, in the district (or county, united counties, or *as case may be*), aforesaid.

J. S. [L.S.]

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51 VICTORIA.

CHAP. 46. •

An Act further to amend "The Speedy Trials Act," Chapter one hundred and seventy-five of the Revised Statutes.

[Assented to 22nd May, 1888.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Section 2 of
R.S.O., c. 175
amended.

1. The first seven lines of section two of "*The Speedy Trials Act*," chapter one hundred and seventy-five of the Revised Statutes, are hereby repealed, and the following substituted therefor :—

Interpreta-
tion.
"Judge,"
In Ontario.

"**2.** In this Act, unless the context otherwise requires,—

"(a.) The expression "judge" means and includes,—

"(1.) In the Province of Ontario, any judge of a county court, junior judge or deputy judge authorized to act as chairman of the General Sessions of the Peace, and also the judges of the provisional districts of Algoma and Thunder Bay, and the judge of the district court of Muskoka and Parry Sound, authorized respectively to act as chairman of the General Sessions of the Peace."

Further
amendment.

2. The sub-section lettered (a.) of the said section is hereby further amended by adding the following thereto as paragraph (4.) :—

"Judge" in
British Colum-
bia.

"(4.) In the Province of British Columbia, the Chief Justice or a puisné judge of the Supreme Court, or a judge of a county court."

Further
amendment.

3. The sub-section lettered (b.) of the said section is hereby amended by adding the following thereto as paragraph (3.) :—

"Court of
general ses-
sions of the
Peace."

"(3.) In the Province of British Columbia, the Supreme Court and the County Court Judges' Criminal Courts."

Section 3 re-
pealed; new
section.

2. Section three of the said Act is hereby repealed and the following substituted therefor :—

Application
of Act.

"**3.** This Act shall apply to the Provinces of Quebec, Ontario, Manitoba and British Columbia."

3. Sub-section one of section four of the said Act is hereby repealed and the following substituted therefor:—

“4. The judge sitting on any trial under this Act, for all the purposes thereof and proceedings connected therewith or relating thereto, shall be a court of record, and in the Provinces of Ontario, Manitoba and British Columbia such court shall be called “The County Court Judge’s Criminal Court” of the county or union of counties or judicial district in which the same is held.”

Section 4
amended.

Court to be a
court of re-
cord.

How styled.

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51 VICTORIA.

CHAP. 47.

An Act to amend the Revised Statutes of Canada, Chapter one hundred and eighty-one, respecting Punishments, Pardons and the Commutation of Sentences.

[Assented to 4th May, 1888.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 28 of R.S.C., c. 181 amended.

1. Sub-section five of section twenty-eight of the "*Act respecting Punishments, Pardons and the Commutation of Sentences*," is hereby repealed and the following substituted therefor:—

Imprisonment.

"5. Imprisonment in a common gaol or a public prison other than those last mentioned,—

Hard labor in certain cases.

(a.) May be with or without hard labor in the discretion of the court or person passing sentence if the offender is convicted on indictment or under "*The Speedy Trials Act*," or before a Judge of the Supreme Court of the North-West Territories ;

And in other cases.

(b.) May in other cases be with hard labor if hard labor is part of the punishment for the offence of which such offender is convicted ;

Sentence to direct.

And if such imprisonment is to be with hard labor the sentence shall so direct.

Section 32 repealed ; new section.

2. Section thirty-two of the said Act is hereby repealed and the following substituted therefor:—

Notice to be given to a judge.

"**32.** Whenever any person who has been required to enter into a recognizance with sureties to keep the peace and be of good behavior has, on account of his default therein, remained imprisoned for two weeks, the sheriff, gaoler or warden shall give notice, in writing, to a judge of a superior court, or to a judge of the county court of the county or district in which such gaol or prison is situate, and in the cities of Montreal and Quebec to a judge of the sessions of the peace for the district, and such judge may

order the discharge of such person thereupon, or at a subsequent time, upon notice to the complainant or otherwise, or may make such other order as he sees fit, respecting the number of sureties, the sum in which they are bound and the length of time for which such person may be bound." Discharge may be ordered.

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ACTS
OF THE
PARLIAMENT
OF THE
DOMINION OF CANADA,

PASSED IN THE SESSION HELD IN THE
FIFTY-FIRST YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA,

BEING THE
SECOND SESSION OF THE SIXTH PARLIAMENT,

*Begun and holden at Ottawa, on the twenty-third day of February, and
closed by Prorogation on the twenty-second day of May, 1888.*



HIS EXCELLENCY
THE MOST HONORABLE SIR HENRY CHARLES KEITH, MARQUESS OF LANSDOWN,
GOVERNOR GENERAL.

VOL. II.
LOCAL AND PRIVATE ACTS.

OTTAWA:
PRINTED BY BROWN CHAMBERLIN,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY,
ANNO DOMINI, 1888.

A. SENECAI,
SUPERINTENDENT OF PRINTING.



51 VICTORIA.

CHAP. 48.

An Act to reduce the capital stock of "La Banque Nationale."

[Assented to 4th May, 1888.]

WHEREAS the existing subscribed and paid up capital stock of "La Banque Nationale" is two millions of dollars, divided into forty thousand shares of the nominal value of fifty dollars each; and whereas the shareholders of the said bank have authorized an application to be made by the board of directors to Parliament, for the reduction of the said capital stock; and whereas the board of directors of the said bank have, by their petition, represented that owing to losses sustained in the course of its business and for the proper carrying on of its business, the capital stock should be reduced, and have prayed for the passing of an Act for that purpose, and whereas it is expedient to grant in part the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. From and after the passing of this Act, the existing capital stock of the said bank is hereby reduced from two millions of dollars to one million two hundred thousand dollars, divided into forty thousand shares of thirty dollars each, and the par or face value of the existing subscribed and paid up shares is also hereby reduced from fifty dollars each to thirty dollars each.

Capital stock reduced.

2. The register of shareholders of the bank shall be amended in accordance with the provisions of this Act, and to enable this to be done the register and transfer books shall be closed for fifteen days after the passing of this Act.

Register to be amended.

3. Nothing in this Act shall be construed so as to lessen or impair the liability of the shareholders to the present creditors of the bank.

Liability not affected.

4. The directors of the bank may, at any time after the passing of this Act, and before the first day of November

Dividend may be declared.

next, declare and pay a dividend, out of the profits of the bank, without any preliminary notice thereof, notwithstanding anything contained in section twenty-six of chapter one hundred and twenty of the Revised Statutes of Canada, intituled "*An Act respecting Banks and Banking.*"

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 49.

An Act respecting the Federal Bank of Canada.

[Assented to 4th May, 1888.]

WHEREAS the Federal Bank of Canada has, by its petition, represented that the bank is solvent, but that its affairs have not been sufficiently prosperous to enable it to carry on its business with profit to its shareholders; and whereas its shareholders, by resolution unanimously passed on the twentieth day of March, one thousand eight hundred and eighty-eight, at a special general meeting duly called for that purpose, determined that it is for their interest that the bank should be wound up by an executive committee of the board of directors of the bank, consisting of Herbert C. Hammond, Samuel Nordheimer and John Hoskin, under the supervision and subject to the control of the board, and that an additional director should be added thereto; and whereas the bank has asked that authority should be given for that purpose, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble

1. Herbert C. Hammond, Samuel Nordheimer and John Hoskin are hereby constituted an executive committee to realize the assets and wind up the affairs of the bank, under the control and supervision of the board of directors:

Executive Committee to wind up affairs.

2. In the event of any vacancy occurring in the executive committee by death, resignation or otherwise, such vacancy shall forthwith be filled by the board of directors from the members of the board.

Vacancies how filled.

2. The executive committee, subject to the supervision and control of the board, shall proceed to realize the assets in detail or *en bloc* and to wind up the bank as rapidly as is considered consistent with a prudent realization of the assets, and shall, for and in the name of the bank, have authority to grant extensions or renewals, borrow money on the assets to pay off onerous debts, enter into agreements, compromises

Proceedings in liquidation.
Powers of committee.

compromises or arrangements of any kind which would in their opinion be of benefit to the bank, institute, prosecute or defend any actions or proceedings, civil or criminal, and direct the proper officers of the bank to execute any deeds, discharges or other documents that may be considered necessary.

Bank to cease business.

Certain matters not affected.

R.S.O., cc. 120 and 129.

3. The bank, from the date of this Act coming into force, shall cease to carry on its business except in so far as is required for the beneficial winding up thereof; but the rights, powers and obligations of the bank, and of the directors and of creditors, the liability of its shareholders and the laws and by-laws affecting the bank and the creditors and shareholders, including among all others the rights and powers of creditors and the liabilities of shareholders under "*The Bank Act*" and "*The Winding up Act*," in case of suspension of payment by the bank of any of its liabilities as they accrue, except as expressly varied by this Act, shall continue as if this Act had not been passed.

Payment of liabilities.

Division of surplus.

4. The assets of the bank shall be first applied in satisfaction of its liabilities and the expenses of winding up; and after its deposits and circulation have been paid in full and redeemed or provided for in cash, and after all other liabilities and the expenses of winding up and any possible contingencies have also been paid or provided for, the directors shall divide the balance among the shareholders of the bank according to their interest in the capital stock, and shall make returns of capital to shareholders when and as often as they are in the position to pay a dividend of ten per cent. on the capital stock, until such balance is fully divided amongst the shareholders.

Final distribution of assets reserved for ordinary liabilities.

Notice thereof.

5. If, when the affairs of the bank are wound up as far as possible, any portion of its unredeemed circulation or liabilities remains unpaid, the amount which has been reserved as provision for such circulation and liabilities shall be retained on deposit at interest in some chartered bank by the directors in their name until five years have elapsed from the passing of this Act; and thereupon after one month's notice in the *Canada Gazette*, and in one newspaper published in the city of Toronto, of the intention of the directors to distribute the amount so reserved among the shareholders unless a claim is made thereto, the directors shall, after payment of any claims that are established and providing for all necessary expenses, distribute the balance unclaimed among the shareholders with the accrued interest; and thereafter all claims against the bank shall be barred and extinguished.

Final meeting of shareholders.

6. The directors shall, upon the final winding up of the bank, call a meeting of the shareholders for the purpose of

surrendering the charter and dissolving the bank, and upon a resolution passed for that purpose the charter of the bank shall thereupon lapse and be extinguished.

7. Reasonable remuneration shall be made for the services of the directors and executive committee, that of the directors to be in accordance with the by-law in that behalf, and that of the executive committee to be ascertained and determined by the Chancery Division of the High Court of Justice for Ontario.

Remuneration of directors and of executive committee.

8. The by-law of the bank defining the number of directors is hereby amended by substituting the word "eight" for "seven," and Thomas Long, of Toronto, is hereby declared to be duly elected to fill such additional place; and power is hereby reserved to the shareholders of the bank to reduce the number of directors at a meeting specially called for the purpose.

Number of directors.

9. Nothing herein contained shall in any way prejudice impair or affect any valid existing contract or any trust security, right or power held or possessed by any creditor or any trustee on behalf of any creditor.

Certain rights saved.

10. All transfers of shares in the said bank after the passing of this Act, except transfers made with the express previous sanction of the said Executive Committee, shall be void.

No transfer without consent of executive committee.

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51 VICTORIA.

CHAP. 50.

An Act to provide for the winding up of the Bank of London, in Canada.

[Assented to 22nd May, 1888.]

Preamble.

WHEREAS the Bank of London, in Canada, has, by its petition, represented that in the month of August last it was compelled to suspend payment under the provisions of "*The Bank Act*," and was able, within the time limited by the said Act, to resume payment, but unable to continue its business with advantage, and that it desires to wind up its business: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Business of the bank may be wound up.

1. The directors of the Bank of London, in Canada, are hereby authorized to wind up the business of the said Bank, and for that purpose may carry on the business thereof, and may, in such manner as to them seems most advisable, convert the assets thereof, real and personal, into cash, and may collect, compromise, compound or otherwise adjust or settle any claims due to the Bank, and may do and execute all such acts and things as are necessary or in their opinion desirable for the winding up of the affairs of the Bank as speedily and in as beneficial a manner as possible: Provided always, that no new business shall be transacted by them: and provided also, that no notes of the Bank shall hereafter be issued by the Bank for circulation or otherwise.

No new business or issue of notes.

Redemption of notes.

2. The directors shall, out of the proceeds of the assets in the first place, appropriate a sum of money sufficient to redeem in full all outstanding notes of the bank, and they shall call in and redeem such notes as quickly as possible, or they may enter into any agreement they may deem advisable with any chartered bank for the redemption or assumption of payment of their outstanding note issue by such chartered bank; and they shall, in the next place, pay and discharge all other debts, liabilities and obligations of

Payment of debts.

the bank, and after payment in full of the said note issue and other debts, liabilities and obligations as aforesaid, or so much thereof as shall have been presented for payment, and after making provision as hereinafter mentioned for such portion thereof as may then remain outstanding and unpaid, and for all costs and expenses incurred in winding up the said Bank, the directors shall divide the remainder of the said proceeds among the shareholders according to their rights and interests in the Bank.

Division of remainder.

3. The directors, before making the dividend referred to in the next preceding section, shall make all reasonable efforts to call in and redeem, settle and discharge all the said notes, debts, liabilities and obligations of the bank; and if, after making such efforts as aforesaid, any portion of the said note issue, debts, liabilities or obligations of the bank, remain outstanding or unpaid, the directors shall, before making such dividend among the shareholders, deposit in some chartered bank a sum of money sufficient to pay in full all such outstanding notes, debts and liabilities, and for the performance of its obligations, which sum of money so deposited shall be kept on deposit and used for the purpose aforesaid, for five years from the time of the making of such dividend; and on the expiration of such period of five years the directors shall advertise in each issue of the *Canada Gazette* for one month, and at least once a week for the same period in newspapers published in the city of London, Ontario, and at each place where the Bank had an agency, that on a day to be named in such advertisements,—which day shall be after the day of the last publication of such advertisements,—the directors will proceed to distribute the balance remaining of the amount so reserved, and that all claims against the Bank, not presented to them on or before the day so named in such advertisements, will be barred; and the directors shall thereupon proceed to distribute among the shareholders according to their several rights and interests, whatever amounts remain after payment of all claims presented up to and including the day named in such advertisements for the distribution of such balance; and all claims or notes not presented on or before such day shall be barred, and the distribution shall be made without reference thereto.

Provision to be made for undischarged obligations.

Notice of final distribution.

Final distribution of assets.

4. Nothing herein contained shall release the said Bank from any of its obligations contained in the lease of the Bank premises in London from one George G. Magee, nor except as hereinbefore provided from any other of its contracts or obligations.

Certain rights saved.

5. Except as varied by this Act, the provisions of "*The Bank Act*." shall apply to the Bank of London, in Canada.

R.S.C., c. 120 to apply.

6. The directors shall, upon the final winding up of the bank, call a meeting of the shareholders for the purpose of surrendering

Final meeting and dissolution of the corporation.

surrendering the charter and dissolving the bank, and upon a resolution passed for that purpose the charter of the bank shall thereupon lapse and be extinguished.

Transfers to
be sanctioned.

7. All transfers of shares in the said bank after the passing of this Act, except transfers made with express previous sanction of the directors, shall be void.

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51 VICTORIA.

CHAP. 51.

An Act respecting Bonds on Branch Lines of the Canadian Pacific Railway Company.

[Assented to 4th May, 1888.]

WHEREAS the Canadian Pacific Railway Company has, Preamble.
by its petition, represented that the branch line, to be known as the Toronto Branch of the Canadian Pacific Railway, which it proposes to construct under its charter from a point at or near Sudbury to a point at or near Claremont, will be unusually expensive; that an issue of twenty thousand dollars of bonds per mile thereon would not constitute a sufficient aid towards the construction thereof; and that a similar state of things will probably occur in respect of other branches to be hereafter built by the said Company; and it has prayed that the maximum amount of bonds to be issued on any such branch be fixed at thirty thousand dollars per mile, and that it be authorized to issue debenture stock in the place and stead of such bonds; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The limit of twenty thousand dollars per mile to the amount of bonds which the Company may issue, secured exclusively upon any branch line of railway, fixed by the fourth section of the Act passed in the session held in the fiftieth and fifty-first years of the reign of Her Majesty, chapter fifty-six, is hereby extended to thirty thousand dollars per mile, subject, however, to all the other provisions of the said Act in respect of the application of the proceeds of such bonds and of the manner in which they shall be secured and issued, and the disposition of their proceeds provided for.

Limitation as to amount of bonds changed.
50-51 V., c. 56.

2. The Company may issue debenture stock in lieu of bonds and to the same amount; and in that event the proceeds of such debenture stock shall be applied, and the same may be issued and secured and provisions made for the disposition

Issue of debenture stock in lieu of bonds.

of the proceeds thereof, in the same manner as is provided by the said Act and by law with respect to the bonds thereby authorized to be issued.

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51 VICTORIA.

CHAP. 52.

An Act to incorporate the South-Western Railway Company.

[Assented to 22nd May, 1882.]

WHEREAS the construction and operation of a railway from a point on the Atlantic and North-West Railway, at or near the village of Caughnawaga, to Valleyfield, and to a convenient point on the international boundary line of the Province of Quebec, at or near the village of Dundee, there to connect with the railway system of the United States of America, would be for the general advantage of Canada; and whereas a petition has been presented praying for the incorporation of a Company for that purpose, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. Louis R. Baker, Cyrille Guimond, Moise Plante, John W. Kilgour, Célestin Bergevin, James Wattie, Zéphirin Boyer, Ferdinand Leduc, John S. Nicolson, Philemon Laberge and Alexis Doutre, together with such persons as, under the provisions of this Act, become shareholders in the Company hereby incorporated, are hereby constituted a body corporate and politic, under the name of "The South-Western Railway Company," hereinafter called the Company; and the said railway and the works hereby authorized are declared to be for the general advantage of Canada.

Incorporation.
Corporate name.
Declaratory.

2. The head office of the Company shall be in the city of Montreal; but the board of directors may establish one or more offices in other places in Canada or elsewhere.

Office of the company.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point on the Atlantic and North-West Railway at or near the village of Caughnawaga, connecting there with the Atlantic and North-West Railway Company's bridge

Line of railway described.

over the River St. Lawrence, passing at a distance not exceeding one and a half miles to the southward of the village of St. Anicet, to a convenient point on the international boundary at or near the village of Dundee, there to connect with any railway in the United States of America reaching the said point,—the said railway to run *viâ* the town of Beauharnois and the town of Valleyfield.

Provisional directors and their powers.

4. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, of whom a majority shall be a quorum, and the said provisional directors shall hold office as such until the first election of directors under this Act, and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed, and cause plans and surveys to be made, and deposit in any chartered bank of Canada moneys received by them on account of stock subscribed,—which moneys shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the Company for any cause whatsoever.

Money deposited to be withdrawn for certain purposes only.

Capital stock and shares.

5. The capital stock of the Company shall be five hundred thousand dollars, divided into shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates of the works hereby authorized; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of this Act.

First meeting of shareholders.

6. So soon as two hundred thousand dollars of the said capital stock have been subscribed as aforesaid, and ten per cent. thereof paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at the city of Montreal, at such time and place as they think proper, giving at least fourteen days' notice thereof in the *Canada Gazette* and in one or more of the daily newspapers published in the said city, at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them shall elect seven directors from the shareholders possessing the qualifications hereinafter mentioned, of whom a majority shall form a quorum; and such directors shall hold office until the next annual general meeting of the shareholders as hereinafter provided.

Notice thereof.

Election of directors.

Annual general meeting.

7. The annual general meeting of the shareholders, for the election of directors and other general purposes, shall be held on the first Wednesday, in February in each year, at the city of Montreal or elsewhere in Canada, as may be appointed

by by-law ; and notice of the hour and place of such meeting shall be given at least fourteen days' previously in the *Canada Gazette*, and in one or more daily newspapers published in the city of Montreal.

8. At such annual general meeting the subscribers for the capital stock assembled who have paid all calls due on their shares shall choose seven persons to be directors of the Company, of whom a majority shall be a quorum, and one or more of whom may be paid directors of the Company.

Number of directors.

Paid directors.

9. No person shall be elected a director of the Company unless he is a shareholder holding at least twenty shares in the stock of the Company, and has paid up all calls made thereon and then due.

Qualification of director.

10. The directors of the Company, under the authority of the shareholders to them given at any special general meeting called for the purpose in the manner hereinbefore mentioned, attended by shareholders in person or represented by proxy, who represent at least two-thirds in value of the subscribed stock of the Company, and who have paid all calls due thereon, may issue bonds signed by the president or other presiding officer and countersigned by the secretary,—which counter-signature and the signature to the coupons attached to such bonds may be engraved ; and such bonds may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest as the directors think proper :

Issue of bonds.

2. The directors may issue and sell or pledge all or any of the said bonds, at the best price and upon the best terms and conditions which at the time they are able to obtain, for the purpose of raising money for prosecuting the said undertaking :

Disposal of bonds.

3. The amount of such bonds so issued, sold or pledged, shall not exceed twenty thousand dollars per mile of the said railway and branches, to be issued in proportion to the length of railway constructed or under contract to be constructed.

Amount limited.

11. The Company may secure such bonds by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future or both, as are described in the said deed ; but such rents and revenues shall be subject in the first instance to the payment of the working expenditure of the railway :

Mortgage deed to secure bonds.

Working expenditure.

2. By the said deed the Company may grant to the holders of such bonds, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the

Powers granted by deed.

bondholders

Validity of deed.

bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the bondholders in manner and form as therein provided:

Deposit of deed.

3. Every such mortgage deed shall be deposited in the office of the Secretary of State of Canada,—of which deposit notice shall be given by the Company in the *Canada Gazette*.

Bonds to be a preferential claim on the undertaking.

12. The bonds hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the Company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section:

Bondholder to be a mortgagee.

2. Each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other bondholders; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

Powers of bondholders in case of non-payment.

13. If the Company makes default in paying the principal of or interest on any of the bonds hereby authorized, at the time when the same, by the terms of the bond, becomes due and payable, then at the next annual general meeting of the Company, and at all subsequent meetings, all holders of bonds so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid-up shares of the Company to a corresponding amount:

Rights of bondholder defined.

2. The rights given by this section shall not be exercised by any bondholder unless it is so provided by the mortgage deed, nor unless the bond in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of voting thereon; and the Company shall be bound on demand to register such bonds, and thereafter any transfers thereof, in the same manner as shares or transfers of shares:

Registration of bonds.

Certain rights not affected.

3. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds are entitled under the provisions of such mortgage deed.

Transfer of bonds, &c.

14. All bonds hereby authorized may be made payable to bearer, and shall, in that case, be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers,

registered in the same manner as in the case of the transfer of shares.

15. The Company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars; and every such note or bill made, drawn, accepted or indorsed by the president or vice-president of the Company, and countersigned by the secretary, shall be binding on the Company; and every such note or bill of exchange so made, drawn, accepted or indorsed, shall be presumed to have been made, drawn, accepted, or indorsed with proper authority until the contrary is shown; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible for the same, unless such promissory note or bill has been issued without proper authority; but nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

Promissory notes may be issued.

Notes not to be payable to bearer.

16. The Company may receive, in aid of the construction of the railway or any part thereof, from any person or body corporate, municipal or politic having power to grant the same, any bonus of money or debentures or other benefit of any sort, either with or without conditions, and may enter into an agreement for the carrying out of any such conditions or with respect thereto.

Grants in aid may be received.

17. The directors of the Company elected by the shareholders may make and issue as paid up stock shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Paid up stock may be issued in certain cases.

18. The Company may also construct electric telegraph and telephone lines for the purposes of its undertaking in connection with the railway.

Telegraph and telephone lines.

19. The Company may enter into an agreement with the Atlantic and North-West Railway Company, the Canada Atlantic Railway Company, the Grand Trunk Railway Company of Canada and the St. Lawrence and Adirondack Railway Company, or any one of them, for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, for for an amalgamation with such company, on such

Agreement with another company.

Sanction of
shareholders
and of Gover-
nor in Coun-
cil.

terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit ; provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders called for the purpose of considering the same, on notice given in the manner hereinbefore mentioned,—at which meeting shareholders representing at least one-half in value of the stock are present in person or represented by proxy,—and that it has also been sanctioned by the Governor in Council :

Notice of ap-
plication for
sanction.

2. Before such sanction by the Governor in Council is given, notice of the application therefor shall be published in the *Canada Gazette*, and in one newspaper in each of the counties through which the said railway runs, for at least two months prior to the time named in such notice for the making of such application ; and such notice shall state a time and place when and where the application is to be made, and that all persons may then and there appear and be heard on such application.

Limitation of
time.

20. The railway shall be commenced within two years and completed within five years from the passing of this Act ; otherwise the powers hereby granted shall cease and be null and void as respects so much of the railway as then remains uncompleted.

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51 VICTORIA.

CHAP. 53.

An Act respecting the Ontario and Quebec Railway Company.

[Assented to 22nd May, 1888.]

WHEREAS the Ontario and Quebec Railway Company Preamble. has, by its petition, prayed for the confirmation of the Order made on the twenty-fifth day of January, one thousand eight hundred and eighty-seven, by the Governor in Council, respecting a branch of its line entering the city of Toronto from the east, now known as the Don Branch,—for the ratification of an exchange of lands between the Toronto, Grey and Bruce Railway Company and certain other persons,—and for an extension of time wherein to complete certain portions of its railway; and whereas it is expedient to grant in part the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The expression “the Company” in this Act means the Ontario and Quebec Railway Company. Interpretation.

2. The Company may, at any time within three years from the passing of this Act, construct and complete the branch of its line referred to in the said Order in Council, dated the twenty-fifth day of January, one thousand eight hundred and eighty-seven, and set forth in the Schedule to this Act; Provided, that if, in consequence of the work, known as the Don improvement, now being carried on by the city of Toronto, or for any other reason, the Company desires to alter the location of the said branch or any part of it, the Company may, from time to time, submit to the Governor General in Council for approval a plan of the proposed alteration, and if approved such new location shall be as valid as if expressly authorized by this Act. Don Branch may be constructed. Proviso: as to change of location.

3. Nothing herein contained shall affect pending cases, nor shall be held to affect the legal rights of any owner of property which may be damaged by the said construction. Certain matters not affected.

of the said branch, excepting that the Company shall not be restrained from entering Toronto by the said branch, or from expropriating the lands necessary to build the said branch.

Certain conveyances of lands confirmed.

4. The conveyances of lands by the Toronto, Grey and Bruce Railway Company in the aforesaid exchange, and made or to be made respectively to Her Majesty the Queen and to the Land Securities Company, are hereby ratified and confirmed, and the said grantees thereof shall respectively take and hold the lands so conveyed to them free and clear of all incumbrances created by the Toronto, Grey and Bruce Railway Company.

Time for construction extended.

47 V., c. 61.

5. The time limited by the Act passed in the forty-seventh year of the reign of Her Majesty, and chaptered sixty-one, for the construction of the said railway to the River Detroit, is hereby continued and extended for four years from the passing of this Act.

Certain railway to form part of company's railway.

6. That portion of the West Ontario Pacific Railway already constructed from Woodstock to London, and leased to the Company under the authority of the statute in that behalf, is hereby declared to be part of the said railway to the River Detroit.

SCHEDULE.

Certified Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 25th January, 1887.

On a memorandum dated 24th January, 1887, from the Minister of Railways and Canals, representing that application has been made on behalf of the Ontario and Quebec Railway Company, under the provisions of the 18th subsection of section 7 of the Consolidated Railway Act, 1879, for the sanction of the Governor in Council to the building of a branch line, the "Don Branch," under six miles in length, for the purpose of connecting the city of Toronto in a direct course with the main line of the Company's railway and for the purpose of giving increased facilities to the business of the Company.

The Minister further represents that the Company have submitted evidence of their fulfilment of the requirements of the said sub-sections in respect of applications of this nature, namely, the publication of notice for six weeks in a county newspaper of their intention to apply for sanction to build such branch line and to expropriate the necessary lands for the purpose, and also the deposit in the proper registry office, prior to publication of the said notice, of maps and plans indicating the location of the line, and

further the submission after the expiration of the said notice, of the said plans and maps for the approval of the Governor in Council.

The Minister considering it desirable that the Company should be permitted to build this branch, recommends that due sanction be given therefor, and that the maps and plans submitted, showing the location of the line from a point on the main line of the Ontario and Quebec Railway, on lot 12, in the 3rd concession from the bay, in the township of York to a point on the Esplanade in the city of Toronto, near York Street, be approved, and further, that the time for the construction of the said branch be fixed as on or before the 30th of November, 1887.

The Committee submit the above recommendation for Your Excellency's approval.

(Signed) JOHN J. MCGEE,
Clerk Privy Council.

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51 VICTORIA.

CHAP. 54.

An Act respecting the Stanstead, Shefford and Chambly Railway Company.

[Assented to 22nd May, 1888.]

Preamble.

WHEREAS the Stanstead, Shefford and Chambly Railway Company has, by its petition, prayed for the passing of an Act to empower it to reorganize its securities, to reduce its share capital, and also for power to lease or sell its railway to any other railway company in Canada, or to amalgamate with any other railway company or companies in Canada, and for other purposes: and whereas it is expedient to grant in part the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Borrowing powers and issue of bonds.

Amount limited.

A certain amount to be held by trustees.

1. The Stanstead, Shefford and Chambly Railway Company, hereinafter called "the Company," may borrow and raise, for the purposes hereinafter specified, by the issue of new first mortgage bonds, such sum or sums as the shareholders of the Company, entitled to vote in general or special general meeting assembled, from time to time determine, such bonds to be signed by the president or vice-president, and countersigned by the secretary,—which countersignature and the signature to the coupons attached to such bonds may be engraved; and such bonds may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest, not exceeding five per cent. per annum, as the directors think proper: Provided always, that the total amount of such bonds shall not exceed the sum of twenty thousand dollars per mile of railway at any time constructed by the Company; and provided also, that such portion of the said bonds as is necessary, shall be held by the trustees under the mortgage deed hereinafter referred to, for the purpose of taking up by purchase, exchange or otherwise the whole of the existing bonds issued by the Company, on such terms as are agreed upon between the holders thereof and the Company.

2. The Company may secure such bonds by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future or both, as are described in the said deed, but such rents and revenues shall be subject in the first instance to the payment of the working expenditure of the railway :

Mortgage deed to secure bonds.

Working expenditure.

2. By the said deed the Company may grant to the holders of such bonds, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, or by any Acts respecting the Company, and all other powers, rights and remedies not inconsistent with this Act, or any Acts respecting the Company, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, or any Acts respecting the Company, as the case may be ; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the bondholders in manner and form as therein provided :

Powers granted by deed.

Validity of deed.

3. Every such mortgage deed shall be deposited in the office of the Secretary of State of Canada,—of which deposit notice shall be given by the Company in the *Canada Gazette*.

Deposit of deed.

3. The capital stock of the Company shall hereafter consist of one million two hundred and fifty thousand dollars, divided into shares of one hundred dollars each, of which there shall be allotted to the holders of the existing shares one share in exchange for every one now held : Provided however, that stock so issued to existing stockholders shall be subject to the payment of such calls or sums of money as may be or remain unpaid or due on the original stock ; but the powers granted by this section shall not be exercised until they have first been submitted to a meeting of the shareholders of the Company duly called for that purpose and approved of by a vote of two-thirds of the holders of the stock of those present in person or represented by proxy :

Capital stock and disposal thereof.

As to payment of calls.

Proviso : for approval of shareholders.

2. Any part of the said capital stock not required for the purpose of making the aforesaid exchange and allotment may be issued as paid up stock by the Company and applied or disposed of in payment of the cost of constructing any additional railway the Company is authorized to construct, or in payment for enlargements, improvements or additions to the property or equipment of the railway of the Company or generally for the purposes of the Company :

Issue and application of paid up stock.

3. The Company may also issue ordinary stock not to exceed twenty thousand dollars per mile for any extensions of its line which it is authorized to construct.

Issue of ordinary stock.

4. The Company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds or shares which, under the provisions of this Act, may be issued

Disposal of bonds.

issued for the purposes of the said railway, and the said securities are hereby declared to be personal property.

**Powers as to
wharves,
lands, &c.**

5. The Company, at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, may purchase and hold, as its own absolute property, wharves, piers, docks, water lots and lands; and upon the said water lots and lands, and in and over the waters adjoining the same, may build and erect elevators, storehouses, warehouses and engine-houses, sheds, wharves, docks, piers and other erections for the use of the Company, and the steam and other vessels owned, worked or controlled by the Company, or any other steam or other vessels; and may collect wharfage and store charges for the use of the same; and may erect, build and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same; and may dredge, deepen and enlarge such works; and in its discretion may sell, lease or convey the said wharves, piers and docks, water lots, lands, elevators, storehouses, warehouses, engine-houses, sheds and other erections, or any thereof, or any portions thereof:

**Such works
may be sold
or disposed
of.**

**Rivers not to
be obstructed.**

2. No such work or any part thereof shall be constructed so as in any way to materially obstruct navigation, or the flow of water on any navigable river; and the Company shall not commence the construction of any wharf, dock or pier on any navigable water until the plans and site of each such wharf, dock or pier have first been submitted to and approved of by the Governor in Council.

**Approval of
Governor in
Council.**

**Powers as to
steam and
other vessels.**

6. The Company may purchase, build, complete, fit out and charter, sell and dispose of, work and control, and keep in repair steam or other vessels, from time to time, to ply on the lakes, rivers and canals of the Province of Quebec, in connection with the said railway; and also may make arrangements and agreements with steamboat and vessel proprietors, by chartering and otherwise, to ply on the said lakes, rivers and canals in connection with the said railway.

**Telegraph
and telephone
lines.**

7. The Company may also construct electric telegraph and telephone lines for the purposes of its undertaking in connection with the said railway.

**Extensions
and branches.**

8. The Company may enter into a contract or contracts with any individual, or association of individuals, for the construction or equipment, or both, of any extension or improvement or improvements of its lines, or any branch authorized by this Act or by any Acts relating to the Company, or any part of such lines, or for the purchase of right of way, and may pay therefor, either in whole or in part,

either in cash or bonds or paid up stock, or partly in one and partly in the other, or otherwise howsoever, as the said directors deem best.

9. The corporation of any municipality through which the said railway passes having power so to do may grant, by way of gift, to the Company any lands belonging to the said municipal corporation which are required for right of way, station grounds, or other purposes connected with the running or traffic of the Company's railway, and the Company may accept gifts of land from the Government, or any person or body politic or corporate, for the purposes aforesaid.

Grants in aid may be received.

10. The head office of the Company shall be in the city of Montreal; but the Company may also open an office in the city of London, England.

Offices of the company.

11. Ordinary or special general meetings of the Company shall be called by giving three weeks' notice thereof in the *Canada Gazette* and in one newspaper published in the city of Montreal and in one newspaper published in the English language and in one in the French language, if any, in the District of Bedford; and such notice shall state the day, hour and place of such meeting and, in the case of special meetings, the business to be transacted thereat.

General meetings and notice thereof.

12. The Company may enter into an agreement for amalgamation with the Missisquoi and Black Rivers Valley Railway Company, on such terms and conditions as are mutually agreed upon, and subject to such restrictions as the directors of such companies see fit, provided that such agreement shall only become operative and binding after it has been submitted to special general meetings of each of the companies proposed to be amalgamated, duly called for the purpose of considering the same, on notice given in the manner provided in the Acts relating to such companies for calling special meetings, and has received the approval of two-thirds of the persons entitled to vote present or represented by proxy at the meeting of each of such companies, and that it has also been sanctioned by the Governor in Council. And inasmuch as the Company's railway connects with the railway of the Grand Trunk Railway Company of Canada, and a through line of railway is thereby formed to the city of Montreal and other important business centres, and it may become expedient for the Company to enter into arrangements with the Grand Trunk Railway Company of Canada, for operating, leasing, or purchasing its railway, the directors of the said two companies may enter into an arrangement on such terms as they mutually agree upon, for the Grand Trunk Railway Company of Canada to operate, lease or purchase the railway, its equipment, franchise, and property, of the Stanstead, Shefford and Chambly Railway Com-

Agreement with another company.

Sanction of shareholders and of the Governor in Council.

With Grand Trunk Railway Company.

Sanction of shareholders and of the Governor in Council.

pany, or of the amalgamated company, in the event of the prior amalgamation of the Company with the Missisquoi and Black Rivers Valley Railway Company, provided that such agreement shall become operative and binding only after it has been submitted to a special general meeting of each of the companies called for the purpose of considering the same, after notice given in the manner provided in the Acts relating to such companies for calling special general meetings, and has received the approval of two-thirds of the persons entitled to vote present or represented by proxy at such meetings, and that it has also been sanctioned by the Governor in Council :

Notice of application for sanction.

2. Before such sanction by the Governor in Council is given, notice of the application therefor shall be published in the *Canada Gazette*, and in one newspaper in each of the counties through which the said railway runs, for at least two months prior to the time named in such notice for the making of such application; and such notice shall state a time and place when and where the application is to be made, and that all persons may then and there appear and be heard on such application.

Declaratory.

13. The said railway is hereby declared to be a work for the general advantage of Canada.

Corporate powers and existence confirmed.

14. Notwithstanding the provisions of any Act either of the Dominion of Canada or of the Province of Quebec, or the non-completion of the railway within the period limited by any Act respecting the said railway, the corporate existence and powers of the Company shall be held to have continued and shall continue in full force and effect; and all proceedings taken and things done by the Company, and the directors and officers thereof, within the limits assigned to them by the said Acts of incorporation and other Acts relating to the Company, shall be held good and valid, provided the said railway is completed and put in operation within five years from the passing of this Act.

Limitation of time.

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51 VICTORIA.

CHAP. 55.

An Act to amend the Act of the present Session, intituled :
“An Act respecting the Stanstead, Shefford and
Chambly Railway Company.”

[Assented to 22nd May, 1888.]

HER Majesty, by and with the advice and consent of the Preamble.
Senate and House of Commons of Canada, enacts as
follows :—

1. The twelfth section of the Act passed during the pre- Section 12 of
sent session and intituled “*An Act respecting the Stanstead,* c. 54 amend-
Shefford and Chambly Railway Company,” is hereby amend-
ed by striking out the words “and Black Rivers” wherever
the said words occur.

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Excellent Majesty.



51 VICTORIA.

CHAP. 56.

An Act to amend the Acts relating to the Great Western and Lake Ontario Shore Junction Railway Company.

[Assented to 4th May, 1888.]

Preamble.

WHEREAS the Great Western and Lake Ontario Shore Junction Railway Company have, by their petition, prayed that the times for the commencement and completion of their railway may be extended, and that the Acts relating to the Company may be otherwise amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time for construction.

48-49 V., c. 18

1. The times limited by section one of the Act passed in the session held in the forty-eighth and forty-ninth years of Her Majesty's reign, chaptered eighteen, for the commencement and completion of the said railway, are hereby continued and respectively extended, so that the said railway shall be commenced within three years and be completed within seven years from the passing of this Act.

Sections 1 and 5 of 36 V., c. 82, as amended by certain subsequent Acts, further amended.

New corporations.

2. The first and fifth sections of the Act passed in the thirty-sixth year of Her Majesty's reign, chaptered eighty-eight, as amended by the second section of the Act passed in the thirty-ninth year of Her Majesty's reign, chaptered forty-eight, by the second section of the Act passed in the forty-third year of Her Majesty's reign, chaptered fifty, by the second section of the Act passed in the forty-sixth year of Her Majesty's reign, chaptered sixty-five, and by the second section of the Act passed in the session held in the forty-eighth and forty-ninth years of Her Majesty's reign, chaptered eighteen, are respectively further amended by substituting the name of Joseph Hickson, of the city of Montreal, for that of the late Honorable William McMaster, the name of Edmund Wragge, of the city of Toronto, for that of John Burton, and the name of Robert Wright, of the city of Montreal, for that of William S. Champ, therein.



51 VICTORIA.

CHAP. 57.

An Act respecting the South Norfolk Railway Company.

[Assented to 4th May, 1888.]

WHEREAS the South Norfolk Railway Company have, Preamble.
by their petition, prayed that an Act may be passed to enable the said Company to amalgamate with or sell to the Grand Trunk, Georgian Bay and Lake Erie Railway Company their railway and works, capital stock, assets, rights, privileges, property and franchises, on such terms, for such considerations, and upon such conditions as may be agreed upon ; and whereas the Grand Trunk, Georgian Bay and Lake Erie Railway Company have also prayed, by their petition, that an Act for the purposes aforesaid, and to authorize the said last mentioned Company to amalgamate with or purchase as is prayed by the said South Norfolk Railway Company, may be passed, and whereas it is expedient to grant the prayer of the said petitioners : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. The South Norfolk Railway Company are hereby authorized to sell, and the Grand Trunk, Georgian Bay and Lake Erie Railway Company are hereby authorized to purchase, the railway and works, capital stock, assets, rights, privileges, property and franchises of the South Norfolk Railway Company, upon such terms and conditions as may be agreed upon by the directors of the said companies : Sale of railway authorized
Provided, that any agreement for such sale and purchase shall not be valid until it has first been ratified by a two-thirds' vote of the shareholders of each company, present in person or represented by proxy, at a special general meeting of each company duly convened for the purpose of considering such agreement. Sanction of shareholders required.

2. Such agreement shall provide that all Acts relating to the South Norfolk Railway Company shall be respected, and that all obligations of that Company shall be carried out by the Grand Trunk, Georgian Bay and Lake Erie Railway Company, Certain matters not affected.

Company, which shall be liable and may be sued therefor; and all the rights and privileges and claims of any bondholder or of any person in respect of either company shall, in no way, be impaired by such sale and purchase.

How payment
may be made.

Railway to
form part of
Grand Trunk,
Georgian Bay
and Lake Erie
Railway.

3. The Grand Trunk, Georgian Bay and Lake Erie Railway Company may make use of any of their available funds or assets in order to complete the said purchase, and may, with the concurrence of the Grand Trunk Railway Company of Canada, use for such purchase any of their bonds now set aside for an enlargement and extension fund; and the South Norfolk Railway shall, in the event of such purchase being completed, become an extension of the Grand Trunk, Georgian Bay and Lake Erie Railway Company, and shall thereafter form a part of that railway, and may be operated as such by the Grand Trunk Railway Company of Canada, under an existing arrangement between the Grand Trunk Railway Company and the Grand Trunk, Georgian Bay and Lake Erie Railway Company, or upon such terms and conditions as may be mutually agreed upon between the directors of the Grand Trunk Railway Company of Canada, and of the Grand Trunk, Georgian Bay and Lake Erie Railway Company.

Security of
bond and
stock holders.

4. Any of the bonds or stocks legally created and issued by the South Norfolk Railway Company, under any of their powers for that purpose, may be held by the Grand Trunk, Georgian Bay and Lake Erie Railway Company, as security for their bond and stock holders.

Effect of sale.

5. Upon the ratification of the said agreement in the manner above mentioned, the railway and works, capital stock, assets, rights, privileges, property and franchises of the South Norfolk Railway Company shall be vested in the Grand Trunk, Georgian Bay and Lake Erie Railway Company; and any suit, action or proceeding, pending at the time when such agreement takes effect, by or against either company, may be continued and completed by or against the Grand Trunk, Georgian Bay and Lake Erie Railway Company.

Deposit of
agreement.

6. A duplicate of the agreement shall be filed in the office of the Secretary of State of Canada at Ottawa, and notice thereof shall be given in the *Canada Gazette*, and the production of the *Gazette* containing such notice shall be *prima facie* evidence that the requirements of this Act have been complied with.



51 VICTORIA.

CHAP. 58.

An Act respecting the Grand Trunk Railway Company of Canada.

[Assented to 4th May, 1888.]

WHEREAS the Grand Trunk Railway Company of Canada have, by their petition, prayed that an Act may be passed to enable them to consolidate and arrange the capital of the said Company and to increase their capital, and for other purposes, and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as "*The Grand Trunk Railway Act*, 1888." Short title.

2. The expression "the Company," when used in this Act, means the Grand Trunk Railway Company of Canada, as now constituted. Interpretation.

3. In addition to the amounts which the Company are authorized to borrow and raise under the Acts thirty-seventh Victoria, chapter sixty-five, forty-fifth Victoria, chapter sixty-six, forty-seventh Victoria, chapter fifty-two, and fiftieth and fifty-first Victoria, chapter fifty-seven, the Company may borrow and raise for the purposes hereinafter specified, by the creation and issue of perpetual consolidated debenture stock, to be called "Grand Trunk Consolidated Debenture Stock," bearing interest at any rate not exceeding four per cent. per annum, such sum or sums as the proprietors of the Company entitled to vote in general or special general meetings assembled from time to time determine: Provided always, that the total interest upon the authorized securities and charges included in the schedule to this Act, which shall not have been acquired or exchanged by the Company, as hereinafter provided, shall not, at any time, together with the interest upon the consolidated debenture stock issued under this Act, exceed the sum of one hundred and thirty-six thousand nine hundred and twenty-one pounds sterling per annum. 37 V., c. 65.
45 V., c. 66.
47 V., c. 52.
50-51 V., c. 57.

Issue of consolidated debenture stock.

Proviso: amount of interest limited.

47 V., c. 52.
50-51 V., c. 57.

Ranking of
consolidated
debenture
stock.

Proviso.

Application
of such stock.

Security to
holders of de-
benture stock.

Votes of hold-
ers of debenture
stock.

Payment of
interest.

4. The consolidated debenture stock issued or to be issued by the Company under the powers of the said Acts, forty-seventh Victoria, chapter fifty-two, and fiftieth and fifty-first Victoria, chapter fifty-seven, shall, together with the debenture stock hereby authorized to be issued, as and when created, and the interest thereon, respectively, rank equally as one single consolidated debenture stock, and shall, subject to the priorities of all existing charges and also to the five per cent. perpetual debenture stock mentioned in schedule number two to the said Act forty-seventh Victoria, chapter fifty-two, and the provisions relating to the Company as to working expenses, be and become a first charge upon the whole of the undertaking, railways, works, rolling stock, plant, property and effects of the Company; but the holders of the said consolidated debenture stock of the Company, whether issued prior or subsequently to the passing of this Act, under the powers conferred by this Act or the said former Acts, shall not, as amongst themselves, be entitled to any preference or priority: Provided always, that nothing in this Act contained shall give to the securities in schedule one of this Act, or to any of them, any right or priority other than such as they now possess.

5. The additional consolidated debenture stock hereby authorized to be created, or the proceeds thereof, shall be applied by the Company to the following purposes, that is to say: in acquiring by exchange, purchase, or otherwise, the securities and charges included in schedule one to this Act, upon such terms and conditions as may, from time to time be agreed upon between the Company and the respective holders of such securities and charges, and to the general purposes of the Company.

6. The securities and charges so acquired by exchange or otherwise, shall be held as subsisting and continuing as a security *pro tanto* for the benefit of the holders of the Grand Trunk consolidated debenture stock, in the same way in all respects as if such securities and charges had been duly transferred to and were held by trustees for the benefit of the holders of the said consolidated debenture stock; but unless and until any default shall be made in the payment of any interest on such stock, the revenue derived from the said securities and charges shall be considered as part of and included in the general revenues of the Company.

7. The holders of the consolidated debenture stock hereby authorized to be created, shall have the same voting power thereon as is now possessed by the holders of the said consolidated debenture stock heretofore authorized, and the interest on the stock by this Act authorized shall be due

and payable at the same times and in the same manner as the interest on the four per cent. consolidated debenture stock of the Company already issued.

8. The Company may increase the nominal amount of their first preference stock by the creation of two hundred and one thousand eight hundred and fifty pounds, seventeen shillings and ten pence additional stock, making a total of three million four hundred and twenty thousand pounds sterling, and the nominal amount of its second preference stock by the creation of two hundred and two thousand two hundred and five pounds six shillings and seven pence additional stock, making a total of two million five hundred and thirty thousand pounds sterling, and shall apply the said additional stocks in issuing from time to time, to the holders of the six per cent. preference stock mentioned in schedule two to this Act, such amount of the said first preference stock of the Company, not exceeding the said sum of two hundred and one thousand eight hundred and fifty pounds seventeen shillings and ten pence, and such amount of the said second preferred stock of the Company, not exceeding the said sum of two hundred and two thousand two hundred and five pounds six shillings and seven pence, as the respective holders of the said six per cent. preference stocks from time to time agree with the directors to accept in full discharge of all their respective rights and claims as holders of the said six per cent. preference stocks respectively held by them, which shall thereupon be cancelled and extinguished; and the Company shall apply the balance, if any, of the said preference stocks, or the proceeds thereof, to the general purposes of the Company :

Increase of
first prefer-
ence stock.

Application
of such stock.

2. The additional preference stocks hereby authorized to be created and issued shall, as and when issued, entitle the holders to rank in all respects *pari passu* with the holders of the present first or second preference stocks of the Company, respectively.

Ranking of
such stock.

9. The several provisions of the Acts thirty-seventh Victoria, chapter sixty-five, and forty-first Victoria, chapter twenty-five, respecting the Grand Trunk Railway of Canada Superannuation and Provident Funds, and respecting insurance against accidents to the employees of the Company, which includes insurance against death and the payment of certain allowances in the said Act mentioned, shall apply to the whole of the Grand Trunk system and to the employees on the lines worked by them, and, further, the said powers shall also include insurance in cases of death arising otherwise than from accident.

37 V., c. 65.
41 V., c. 25.

To apply to
whole of
Grand Trunk
system.

Life insur-
ance.

10. The Company are hereby authorized to lay out and construct a railway with a double or single line of rails,

Line of rail-
way autho-
rized.

from a point on their line at or near Glencoe, by such route as may be deemed best, to a point on their Sarnia branch, at or near Wanstead, in the county of Lambton; and all the provisions of the statutes relating to the said Company, and "*The Railway Act*," shall apply to the said line hereby authorized.

Issue of bonds
to pay for con-
struction
thereof.

11. The Company may create a mortgage on the said line hereby authorized to secure an issue of bonds to the extent of a sum not exceeding twenty thousand dollars per mile, to pay for the construction thereof, and the said mortgage shall be a first charge thereon.

Steamships
may be oper-
ated.

12. The Company may own or hire and run steamships for carrying freight and passengers to and from any port with which their lines of railway connect, to and from any port in Great Britain or Ireland.

Act subject to
vote of a gen-
eral meeting.

13. This Act shall not take effect unless and until submitted to a general meeting of the Company, and accepted by a majority of two-thirds of the votes of the persons present at such meeting in person or represented by proxy, entitled to vote thereat,--provided that notice of the submission of this Act at such meeting has been duly given; and the certificate in writing of the chairman of such meeting shall be taken as sufficient evidence of the acceptance of this Act; and such certificate shall be filed in the office of the Secretary of State of Canada, and notice thereof published in the *Canada Gazette*; and copies thereof, certified by the Secretary of State, shall be taken and accepted in all courts of law and equity as sufficient evidence of the acceptance of the said Act; and on the acceptance of the said Act, as herein provided, it shall no longer be necessary to keep separate accounts for the Northern Railway of Canada and the Hamilton and North-Western Railway sections of the said railway.

Notice.

Certificate.

Certificate to
be filed.

Separate ac-
counts not
necessary.

SCHEDULE No. 1.

Securities.	Amount.	Rate of interest.	Annual interest or rental.	Date of maturity.
	£		£	
Northern Railway of Canada, Five per cent. First Mortgage Bonds.....	679,000	5	33,950	1st July, 1902
do Six per cent. Northern Extension.....	150,700	6	9,042	1st July, 1893
do Four per cent. Perpetual Debenture Stock.....	363,350	4	14,534	Now due
do Six per cent. Second Mortgage Bonds.....	50,000	6	3,000	
do Six per cent. Third Mortgage Bonds.....	100,000	6	6,000	
Hamilton and North Western Railway, Six per cent. First Mortgage Bonds.....	450,000	6	27,000	1898
Joint Companies, Six per cent. Equipment Bonds.....	200,000	6	12,000	
Northern and Pacific Junction Railway Company (Leased Line), Five per cent. Mortgage Bonds.....	457,800	5	22,890	
do Share Capital (\$100,000).....	41,095		189	
North Simcoe Lease (Rental), Six per cent. Mortgage Bonds (\$300,000).....	61,843	6	3,700	
do Stock (\$30,000).....	10,273			
Lake Simcoe Junction (Lease) Stock, \$24,100.....				
Peterborough and Chemong Lake (Rental) Stock, \$150,000.....		2	616	
Northern and Hamilton and North-Western Railways Sections, Amount required to meet expenditure for en- largement and improvements.....	100,000	4	4,000	
	£2,663,861		£136,921	

SCHEDULE No. 2.

OF 6 PER CENT PREFERENCE STOCKS.

	£
Preference Stock of the Company, originally issued by the Northern Railway Company of Canada.....	150,000
Preference Stock of the Company, originally issued by the Hamilton and North-Western Railway Company.....	170,000
	£320,000

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51 VICTORIA.

CHAP. 59.

An Act to confirm a certain Agreement made between the Grand Trunk Railway Company of Canada, the Canada Southern Railway Company and the London and Port Stanley Railway Company.

[Assented to 4th May, 1888.]

Preamble.

WHEREAS the corporation of the city of London has, by its petition, represented that a certain agreement was, on the twenty-first day of January, one thousand eight hundred and eighty-seven, made between the Grand Trunk Railway Company, the Canada Southern Railway Company, and the London and Port Stanley Railway Company, with respect to the working of a portion of the line of the said last mentioned company, and that, to remove doubts as to the validity of the said agreement, it is expedient to confirm the same by legislation, and has prayed for the passing of an Act for that purpose; and whereas it is expedient to grant the prayer of the said petition so far as the same is within the legislative authority of the Parliament of Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Agreement confirmed.

1. The said agreement, bearing date the twenty-first day of January, one thousand eight hundred and eighty-seven, made between the Grand Trunk Railway Company, the Canada Southern Railway Company, and the London and Port Stanley Railway Company, a copy whereof is set forth in the schedule to this Act, is hereby confirmed and declared to be binding upon the several parties thereto according to the terms thereof.

SCHEDULE.

This Agreement made this twenty-first day of January, in the year of our Lord 1887,

By and between The London and Port Stanley Railway Company (hereinafter called the Port Stanley Company), of the first part ;

The Grand Trunk Railway Company of Canada (hereinafter called the Grand Trunk), of the second part ; and—

The Canada Southern Railway Company (hereinafter called the Canada Southern), of the third part :

Whereas the Port Stanley Company own the railway between Port Stanley and London known as the London and Port Stanley Railway, which is now held under lease by the Grand Trunk ;

And whereas the Canada Southern desire to connect their line at St. Thomas with the city of London for the purpose of their business ;

And whereas in order to save the unnecessary expenditure of capital which would be required to build another line of railway between said points, it has been suggested that an arrangement be made for the use of the Port Stanley Company's line between St. Thomas and London by the Canada Southern, under proper terms and conditions, so as to make said section of the Port Stanley Company's line available for the purposes of the Grand Trunk and Canada Southern respectively ;

And whereas the Grand Trunk now have a lease of the Port Stanley Company's line, which lease expires on the first day of September which will be in the year of our Lord 1892 :

Therefore this agreement witnesseth :

That the parties hereto have, and they hereby do severally covenant and agree each with the other as follows, that is to say :—

The plan annexed hereto and marked " A " shall be, and the same is hereby made part of this agreement.

That the Canada Southern may, by means of a proper switch to be approved by the Grand Trunk Engineer, connect their line at St. Thomas with the Port Stanley Company's line at the point shown on the said plan, and marked " A."

That the Canada Southern may also, in like manner, connect the station grounds and terminal accommodation they may acquire or have acquired at the city of London at the point shown on said plan marked " B."

That, on the terms and for the compensation hereinafter mentioned, the Canada Southern Company shall have the right to run their trains over the Port Stanley Company's line between said points " A " and " B " shown on said plan, and operate the same as part of their own railroad, upon the terms and subject to the limitations hereinafter expressed.

That the said switches and the trains passing to and from the premises of the Canada Southern Company, and while on the Port Stanley Company's line, shall be under the control of the Grand Trunk, and operate under the reasonable regulations of that company.

That, in the exercise of these rights, the Grand Trunk passenger trains shall have precedence over all other trains ; the

Canada Southern Company's passenger trains shall have precedence over all freight and mixed trains; Grand Trunk mixed trains shall have precedence over all mixed and freight trains; Canada Southern mixed trains shall have precedence over all freight trains; and Grand Trunk freight trains shall have precedence over all Canada Southern freight trains. But each party will use its best exertions to secure to all the trains and business of the other every facility and all despatch.

The Canada Southern Company shall not do any local business upon the Port Stanley line proper, whether such business be between points upon the said Port Stanley line or coming from London or beyond, or St. Thomas or beyond, to or from places on said Port Stanley line; but they are not to be excluded from carrying local traffic between the cities of St. Thomas and London.

Inasmuch as local passengers will occasionally take the trains of the Canada Southern Company, it is agreed in such case that such portion of the local fares as the parties shall mutually agree or failing agreement, as may be settled by arbitration, shall be paid over to the Grand Trunk Company.

For the purposes of this agreement the employees of the Grand Trunk Company shall be regarded as the employees of the Canada Southern Company, and the railway of the Port Stanley Company, between St. Thomas and London, as the railway of the Canada Southern Company. And each party hereto assumes for themselves all loss arising from damage or injury from any cause to their passengers, employees, or property, and all liabilities to third persons, arising from their acts or the acts of their employees, the employees of the Grand Trunk Company being, as defined in this clause, the employees of the Canada Southern Company.

That, should the Canada Southern desire it, the Grand Trunk will supply the trains of the said Canada Southern with stores, fuel and water whilst upon the line of the Port Stanley Company at cost price plus ten per cent. to cover contingencies.

The expense of erecting and working the signals at the points of junction, as shown on said plan, shall be defrayed and paid by the Canada Southern.

That the compensation to be paid by the Canada Southern Company for the use of the line of the Port Stanley Company (which shall be per train mile), and for all the privileges herein or which may hereafter be agreed upon, and the time and modes of payment of the same, shall be settled by agreement between the parties, and, failing agreement, be fixed by arbitration as hereinafter provided; but any compensation agreed upon or fixed by agreement or arbitration shall, at the request of either party, be subject to readjustment in the same manner at the end of five years, and so in each five years so long as this agreement continues;

provided however, that the terms in the first place must be either agreed upon or fixed by arbitration within sixty days after the execution hereof.

The parties hereto agree that in the event of their disagreeing on any matter or thing above mentioned, or as to the construction or meaning of this agreement, any and every such dispute shall, within thirty days of the date of such arising, be referred to Mr. Albert Fink, and any award made by him on any such matter shall be final and binding between the parties hereto, and shall be carried out by both parties.

That in the event of Mr. Albert Fink refusing or being unable to act as arbitrator, the parties hereto will choose some other person to act in that capacity, and should they be unable to agree on some other person to so act within thirty days after such refusal or inability on the part of Mr. Fink, they will unite in an application to the Chief Justice of the High Court of Justice of Ontario to name an arbitrator to act in the place of the said Mr. Albert Fink; and if either party to this agreement does not unite in said application to the Chief Justice of the High Court of Justice of Ontario within thirty days after notice from the other in writing of its desire to have such arbitrator appointed then such application may be made by the party desiring such arbitrator in its own name, and the award by any arbitrator appointed by the said Chief Justice shall be final and binding between the parties hereto, and shall be carried out by both parties.

Whereas the lease of the Port Stanley line held by the Grand Trunk expires in the year 1892, it is agreed that this contract shall remain in force until that time; and, if the said lease is renewed or a new lease taken by the Grand Trunk, and that they remain in possession of the Port Stanley line, then this agreement to continue so as to make the same an agreement for twenty years from the date hereof on the terms aforesaid.

In witness whereof the parties hereto have hereunto set their hands and seals on the day and year first above mentioned.

(Signed,) THE LONDON AND PORT STANLEY RAILWAY Co.
Per J. EGAN, President. [Seal.]
W. BOWMAN, *Secretary.*

(Signed,) THE GRAND TRUNK RAILWAY CO. OF CANADA.
Per J. HICKSON, General Manager. [Seal.]

(Signed,) THE CANADA SOUTHERN RAILWAY Co.
By C. VANDERBILT, President. [Seal.]
NICOL KINGSMILL, *Secretary.*



51 VICTORIA.

CHAP. 60.

An Act to confirm a certain Agreement made between the London and South Eastern Railway Company and the Canada Southern Railway Company.

[Assented to 4th May, 1888.]

Preamble.

WHEREAS the corporation of the city of London has, by its petition, represented that a certain agreement was, on the first day of June, one thousand eight hundred and eighty-seven, made between the London and South Eastern Railway Company and the Canada Southern Railway Company, for the working of part of the line of the said the London and South Eastern Railway Company, and that, to remove doubts as to the validity of the said agreement, it is expedient to confirm the same by legislation, and has prayed for the passing of an Act for that purpose; and whereas it is expedient to grant the prayer of the said petition so far as the same is within the legislative authority of the Parliament of Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Agreement confirmed.

1. The said agreement, bearing date the first day of June, one thousand eight hundred and eighty-seven, between the London and South Eastern Railway Company and the Canada Southern Railway Company, a copy whereof is set forth in the schedule to this Act, is hereby confirmed and declared, so far as the same is within the legislative authority of the Parliament of Canada, to be binding upon the several parties thereto according to the terms thereof.

SCHEDULE.

Memorandum of agreement made in duplicate this first day of June, in the year of our Lord one thousand eight hundred and eighty-seven, between the London and South Eastern Railway Company (hereinafter called the "Eastern Company") of the first part, and the Canada Southern Railway Company (hereinafter called the "Southern Company") of the second part:

Whereas, the Southern Company have secured running powers over the line of the London and Port Stanley Railway Company ;

And whereas by the terms of a certain agreement, bearing date March 26th, 1887, it was agreed between the said Eastern and Southern Companies that the said Eastern Company should acquire certain lands in the city of London and Province of Ontario for terminal facilities and free right of way from a point diverging from the line of the London and Port Stanley Railway Company, at Burwell Street, in said city of London to the station or depot of the said Eastern Company, upon lot No. 5 on the south side of Bathurst street in said city, and that said Eastern Company should execute and deliver a valid and binding agreement for the use and working of such land and premises and right of way by said Southern Company ;

And whereas said lands have been acquired and right of way secured by the said Eastern Company ;

Now therefore, this indenture witnesseth that, in consideration of the covenants and agreements hereinafter reserved and contained on the part of the said Southern Company, their successors and assigns, to be paid, observed and performed, the said Eastern Company hath covenanted and agreed to grant, and by these presents doth grant unto the said Southern Company, their successors and assigns the use and working of all and singular lots numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve on the south side of Bathurst street, lot number thirteen on the east side of Waterloo street, lots numbers fourteen, fifteen and sixteen on the north side of Horton street, and that part of lot number seventeen on the north side of Horton street, described as follows, that is to say :—Commencing at the north-east angle of said lot seventeen, thence westerly along the rear of said lot seventeen to the north-west angle thereof ; thence southerly along the westerly boundary thereof a distance of fifteen feet ; thence north-easterly in a straight line to the said north-east angle and the place of beginning ; all of said lots being according to the plan made for the London and Port Stanley Railway Company, and recorded in the registry office for the city of London as Plan No. 175 ; lots numbers two and three on the south side of Bathurst street aforesaid, and that part of lot number four on the south side of Bathurst street, having a frontage of one hundred and ten feet by a depth of one hundred and sixty-eight feet, and also that part of lot number five on the said south side of Bathurst street, having a frontage thereon of one hundred and ten feet by a depth of one hundred and thirty-eight feet, and the line of railway of said Eastern Company and all the privileges and rights thereto appertaining :

To have and to hold the said premises, the said line of railway of said Eastern Company and all powers and pri-

privileges thereto appertaining for and during a term equal to the unexpired term of the lease of the London and Port Stanley Railway Company to the Great Western Railway Company, and afterwards for so long as said Southern Company shall have running privileges over the said London and Port Stanley Railway, not exceeding in the whole the period of twenty-one years from the twenty-sixth day of March, one thousand eight hundred and eighty-seven.

And said Southern Company covenants and agrees with the said Eastern Company to pay to the said Eastern Company therefor yearly and every year, during said term, the sum of three thousand dollars, payable on the following days and times, that is to say, in equal half-yearly payments of one thousand five hundred dollars each, on the first days of the months of May and November in each and every year of said term, the first half-yearly payment to be made on the first day of November, one thousand eight hundred and eighty-seven.

The said Southern Company further covenants with the said Eastern Company to pay all taxes, rates, duties and assessments whatsoever, whether municipal, parliamentary or otherwise, which shall hereafter be charged during the continuance of this agreement against said Eastern Company, upon or on account of the property and appurtenances used and worked by the said Southern Company under this agreement, including the current year's taxes.

The said Southern Company shall not, during the said term make any alteration in the locations of the stations of said Eastern Company without the consent in writing of said Eastern Company and its mortgagees first had and obtained.

And the said Southern Company further covenants with the said Eastern Company that they will not assign or transfer this indenture or their rights thereunder, or any of them, without the consent, in writing, of the said Eastern Company.

And the said Southern Company further covenants and agrees with the said Eastern Company to make such arrangements as to train service in the operation of said Port Stanley Railway between St. Thomas and London as will best accommodate the public in the business of the transportation of freight and passengers upon the said Southern Company's railroad including as part thereof the said Port Stanley Railroad.

And the said Southern Company covenants with the said Eastern Company that the said Southern Company will during the said term, well and sufficiently repair, maintain, amend and keep the said premises with the appurtenances in good and substantial repair, and all fixtures and things thereto belonging, or which at any time during the continuance of this agreement shall be erected or made, when, where and so often as needs shall be; and that the said

Southern Company, will at the expiration or other termination of this agreement, unless it shall purchase the property as provided, peaceably surrender and yield up to said Eastern Company, its successors or assigns, the said Eastern Company's line of railway, its property, appurtenances and effects, with all buildings, erections and fixtures thereon placed by said Eastern Company in good and substantial repair and condition.

And the said Southern Company further covenants with the said Eastern Company to pay insurance premiums to an amount not exceeding the sum of one hundred dollars per annum upon a policy or policies of insurance for such amount as shall seem best to said Eastern Company upon the buildings of said Eastern Company upon the said lands.

And it is hereby agreed that the said Southern Company, upon the termination of this agreement, shall be at liberty to remove any rails, switches, ties, iron or other structures or materials placed by them on the said lands or streets over which running powers have been granted, leaving the said streets in good repair, or in the event of the said Eastern Company, its successors or assigns desiring to purchase such rails, switches, ties, iron or other structures or material on the termination aforesaid, they shall have the option of so doing at the price to be agreed upon between the said Eastern Company and said Southern Company; and any disagreement as to price shall be settled by arbitration.

And it is also hereby further agreed that the said Southern Company shall, if all the covenants on its part shall have been kept, have the privilege, at any time within six years from the twenty-sixth day of March, 1887, of purchasing the said lands and the said buildings thereon at a sum not exceeding the actual cost thereof, which is hereby declared to be the sum of \$75,000. And in the event of the said Southern Company purchasing the said lands and buildings, as above provided, then the title thereto shall be vested in them or at the option of the Southern Company in such trustees as they may appoint, and the said Eastern Company will, in consideration of such purchase, transfer and assign to the said Southern Company, or to such trustees for them, all rights which the said Eastern Company has acquired or may hereafter acquire to traverse the streets of the city of London, and also such other rights and privileges on respect of said streets as have been granted or may be granted by the corporation of the city of London to the said Eastern Company.

And it is hereby agreed that in case any dispute shall arise relating to any matter herein contained and agreed to be settled by arbitration, the same shall be finally determined by two independent persons, one to be chosen by each of the said parties to the dispute, and such arbitrators shall, before proceeding with the reference, appoint a third arbitrator to act with them; and the decision of the said

three arbitrators, or a majority of them, shall be conclusive on both parties; and in case either of the parties shall neglect or fail to appoint an arbitrator within ten days after the request in writing of the other party, then the arbitrator appointed by the other party may proceed alone, and his award shall be conclusive on all parties; or if both of said parties name an arbitrator, and the two persons appointed fail to agree on the third, then the President of the High Court of Justice of Ontario shall appoint such third arbitrator, and the decision of such three arbitrators, or a majority of them, shall be conclusive on both parties.

The award shall be made in two months from the appointment of the first of such arbitrators.

And the Southern Company covenant with the Eastern Company that they will, if the Eastern Company shall so require, join in an application to the proper legislature for the confirmation of this agreement, and do all things on their part to procure the enactment of such legislation as may be thought necessary or expedient for that purpose.

And it is hereby further agreed by and between the parties hereto that if the said annual sum of three thousand dollars, or any part thereof, shall be unpaid for thirty days after any of the days on which the same ought to have been paid, although no formal demand shall be made thereof, or in case of the breach or non-performance of any of the covenants and agreements herein contained on the part of the Southern Company for a period of thirty days, then and in either of such cases it shall be lawful for the Eastern Company to enter into and upon the said premises, or any part thereof, in the name of the whole, to re-enter and the same to have again, repossess and enjoy, anything herein contained to the contrary notwithstanding.

In witness whereof the Eastern and Southern Companies have hereunto caused to be set their corporate seals, attested by the hands of their respective presidents and secretaries.

THE LONDON AND SOUTH EASTERN RAILWAY COMPANY,
By W. J. REED, [L.S.]
President.

(Attest) J. W. LITTLE,
Secretary-Treasurer.

THE CANADA SOUTHERN RAILWAY COMPANY,
By C. F. COX,
Vice-President.

(Attest) NICOL KINGSMILL,
Secretary.



51 VICTORIA.

CHAP. 61.

An Act respecting the Canada Southern Railway Company and the Erie and Niagara Railway Company.

[Assented to 4th May, 1888.]

WHEREAS the Canada Southern Railway Company and the Erie and Niagara Railway Company have petitioned that the times limited by the several Acts relating to the said Companies for the commencement and completion of the several lines and branches of railway authorized by such Acts may be extended, and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The times limited by the Acts respecting the Canada Southern Railway Company and the Erie and Niagara Railway Company, set forth in the schedule to this Act, for commencing and completing the lines or branches of railway authorized by such Acts or any of them, are hereby continued and respectively extended for the period of five years from the passing of this Act.

Time for construction of works extended.

2. The powers conferred by an Act passed in the thirty-eighth year of Her Majesty's reign, chaptered sixty-six, enabling the Canada Southern Railway Company to acquire the lines of railway, franchises, stock, shares, property, rights and privileges of the Erie and Niagara Railway Company, and enabling the Erie and Niagara Railway Company to unite and amalgamate with the Canada Southern Railway Company, are hereby revived, and the time limited by the first section of the said Act is hereby extended for the period of three years from the passing of this Act.

Powers revived.
38 V., c. 66.
Time extended.

3. The powers conferred by section three of an Act passed in the forty-fifth year of Her Majesty's reign, chaptered sixty-eight, enabling the Canada Southern Railway Company to enter into an agreement with the Leamington and St. Clair Railway Company, for the purchase and completion

Further powers revived.
45 V., c. 68.

of the line of railway of that Company, are hereby revived and confirmed.

SCHEDULE.

Year and Chapter.	Title of Act.
27 Vic. (Prov. of Can.) c. 59.	Known as "The Erie and Niagara Railway Company Act of 1863."
36 Vic. (Can.) c. 86.	An Act to amend the Erie and Niagara Railway Company Act of 1863
31 Vic. (Ont.) c. 14.....	An Act for the incorporation of the Erie and Niagara Extension Railway Company.
33 Vic. (Ont.) c. 82.....	An Act to amend the Act incorporating the Erie and Niagara Extension Railway Company and to change the name to the Canada Southern Railway Company.
35 Vic. (Ont.) c. 48	An Act to confer further corporate powers on the Canada Southern Railway Company.
36 Vic. (Ont.) c. 86.....	An Act respecting the Canada Southern Railway Company.

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51 VICTORIA.

CHAP. 62.

An Act to make further provision respecting the Brantford, Waterloo and Lake Erie Railway Company.

[Assented to 22nd May, 1888.]

WHEREAS the Brantford, Waterloo and Lake Erie Railway Company and the Corporation of the city of Brantford have, by their petition, prayed that an Act may be passed to make further provision in relation to the said Company, as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The said Railway Company shall be and continue to be an independent Company, and the line of the said railway shall extend and run from the said city of Brantford to the Canada Southern Railway; but the said Company shall have the right, from time to time, to grant running powers over the said line of railway to the Canada Southern Railway Company on such reasonable terms and for such periods as are agreed upon.

Railway described.
Running powers.

2. No lease or other contract for running that portion of the said Railway Company's road lying between the city of Brantford and the Canada Southern Railway, or whereby the said Company's road is under the management or control of any railway company or corporation other than the Canada Southern Railway Company, shall be at any time made, and no sale whatever of the said portion of the said road shall be made unless the consent of the ratepayers of the city of Brantford is first had and obtained by by-law passed pursuant to and in accordance with the proper Act in regard to bonus by-laws.

Railway not to be leased or sold without consent of ratepayers of Brantford.

3. The agreement between the Company and the corporation of the city of Brantford, comprised in the Schedule to this Act, is hereby confirmed, so far as such confirmation is within the powers of the Parliament of Canada.

A certain agreement confirmed.

SCHEDULE.

BY-LAW No. 402.

To grant a Bonus of \$25,000 to the Brantford, Waterloo and Lake Erie Railway Company, and to take stock in the said Company to the extent of \$25,000.

Whereas by an Act of the Parliament of the Dominion of Canada passed in the forty-eighth year of Her Majesty's reign, Chapter 20, and intituled "*An Act to incorporate the Brantford, Waterloo and Lake Erie Railway Company,*" power is granted to construct and operate a line of railway through the city of Brantford to a convenient point on the Canada Southern Railway and thence to a convenient point on or near the shore of Lake Erie ;

And whereas the said Act was amended by the Act passed in the fiftieth year of Her Majesty's reign, intituled "*An Act to amend the Act to incorporate the Brantford, Waterloo and Lake Erie Railway Company,*;"

And whereas the said Company is authorized to receive from any municipal corporation which may have power to grant the same in aid of the construction, equipment and maintenance of the said railway, bonuses in bonds or loans or gifts of money or securities for money ;

And whereas the Corporation of the city of Brantford has determined to aid and assist the said Railway Company in the construction of the said railway by giving to said Company debentures as hereinafter mentioned to the extent of \$25,000, and further determined to subscribe for 500 shares of \$50 each in the capital stock of the said Company under the authority of the Municipal Act, 1883, and amending Acts ;

And whereas in order to carry out the last recited object it will be necessary for the said municipal corporation to issue debentures to the extent of \$50,000 as hereinafter mentioned, payable at twenty years at furthest from the day when this By-law shall take effect ;

And whereas it will be necessary for the said corporation to raise an annual sum of \$2,500 for the payment of the interest on the said debentures, and an annual sum of \$1,514.60 to form a sinking fund to pay off the said debentures at the expiration of twenty years, to be raised by a special rate annually on the whole rateable property of the said city in the year 1889, and in each of the next nineteen succeeding years, and the sum so required to be raised in each of such years to pay the debentures hereinafter authorized to be issued and the interest thereon at 5 per cent. per annum, is the sum of \$4,014.60 ;

And whereas the amount of the whole rateable property of the city of Brantford, according to the last revised assessment roll of the said City, is the sum of four million six hundred and fifty thousand and forty dollars ; and the

amount of the existing debenture debt of the said city is the sum of two hundred and sixty-six thousand seven hundred and eighteen dollars, no part of which or its interest being in arrears ;

And whereas for paying the interest on said debentures (which is the sum of \$2,500 each year) and for creating a sinking fund to pay the said debentures (which is the sum of \$1,514.60 each year), and which together form the said sum of \$4,014.60, it will require the said sum of \$4,014.60 to be raised annually by special rate on all the rateable property of the said municipality, in addition to all other rates and assessments to be levied in each year on the whole of the said rateable property during the said period :

Be it therefore enacted by the Municipal Corporation and Council of the city of Brantford :—

1. That it shall be lawful for the said Corporation of the city of Brantford to aid and assist the Brantford, Waterloo and Lake Erie Railway Company, by giving the said Company the debentures hereinafter mentioned, by way of a bonus, subject nevertheless to the provisions and conditions hereinafter expressed.

2. It shall and may be lawful for the mayor of the said Corporation, for and on behalf of the said Corporation, to subscribe for five hundred shares of fifty dollars each,—in all the sum of twenty-five thousand dollars,—in the capital stock of the said Company, subject to the conditions hereinafter mentioned, and the mayor of the said Corporation or such other member of the Council of the said Corporation as the said Council shall appoint shall be *ex officio* one of the directors of the said Company.

3. That for the purpose aforesaid it shall be lawful for the mayor of the said Corporation to cause any number of debentures of the said Corporation to be made for such sums of money as shall be required for such purposes, of not less than one hundred dollars each, and not exceeding in the whole fifty thousand dollars, which debentures shall be sealed with the seal of the said Corporation and signed by the mayor and countersigned by the treasurer of the said Corporation.

4. That the said debentures shall be made payable within twenty years from the day on which this by-law shall take effect, namely, on the first day of July, 1888, and shall be made payable at the office of the treasurer of the said Corporation of the city of Brantford, and shall bear interest at the rate of five per centum, payable annually on the first day of July in each year, at the office of the said treasurer, and shall have attached to them coupons for payment of the said interest as aforesaid.

5. That for the purpose of paying said debentures and interest the sum of \$4,014.60, shall, in addition to all other rates, be assessed, raised, levied and collected upon all the rateable property in the municipality of the said city of

Brantford, in each year of the currency of the said debentures by a special rate sufficient to raise the said sum annually.

6. That none of the said debentures, to be signed and issued as aforesaid, shall be delivered to the said Company until the Company shall have fully and completely bridged and graded, so as to be ready for the ties and rails, the whole of their line of railway from a point near the Grand River in the city of Brantford to the main line of the Canada Southern (now the Michigan Central) Railway, at or near the village of Waterford or Hagersville.

7. That so soon as the said Railway Company shall (as herein mentioned) have fully and completely bridged and graded so as to be ready for the ties and rails the whole of their line of rail from the said city of Brantford to the main line of the Canada Southern or Michigan Central Railway and shall have produced to the said Corporation the certificate of the chief engineer of the said Railway Company, countersigned by the mayor and clerk of the said Corporation, and sealed with the seal of the said Corporation to such effect, then the said Corporation shall deliver over to the treasurer of the said Railway Company for the use of the said Company, the said debentures with the relative unaccrued coupons issued under and by virtue of this by-law, or any principal money which has been paid thereunder.

8. That if the said line of railway shall not be completed and fully bridged and graded, as aforesaid, within the time fixed and limited by the Acts incorporating the said Company, or by any Act which may be passed granting a further extension of time therefor, then this by-law shall be void and the debentures issued thereunder shall be cancelled.

9. That so soon as the said Railway Company shall have constructed their said line of railway in the seventh paragraph hereof mentioned, so that the same is in a fit condition to carry traffic, and shall have built and equipped a proper and convenient station and warehouse, with all necessary sidings and other things appertaining thereto, at some convenient point in said city, near the Grand River in said city, and shall produce to the said corporation the certificate of the chief engineer of the said Company, countersigned by the mayor and clerk and sealed with the seal of the said Corporation to that effect, said Corporation shall, by their mayor, subscribe for and fully pay up five hundred shares of fifty dollars each,—in all the sum of twenty-five thousand dollars of the capital stock of the said Company.

10. The said Railway Company shall construct and maintain at some convenient point in said city a proper and convenient passenger and freight station suitable for the accommodation of passengers and the receipt of freight, with proper and suitable side tracks and other convenience within the space of two years from the date of this by-law

coming into effect ; and in case said Company shall make default in the premises, then this by-law shall be void and of no effect.

11. All the coupons accrued due on said debentures prior to the delivery of the same to the said Railway Company shall be the property of said Corporation and shall not be delivered to said Company.

12. The said Railway Company shall be and continue to be an independent Company, and the line of said railway shall extend and run from said city of Brantford to the Michigan Central Railway, or Canada Southern Railway, otherwise the said debentures shall not be delivered to the said Company, but the same shall be cancelled, and all moneys paid hereunder shall be forthwith repaid to the said city by said Company ; provided that said Company shall have the right, from time to time, to grant running powers over the said line of railway to the Michigan Central or Canada Southern Railway Company on such reasonable terms and for such periods as may be agreed upon by said Company or Companies.

13. No lease or other contract for running that portion of the said Railway Company's road lying between the city of Brantford and the Canada Southern Railway, or Michigan Central Railway, or whereby the said Company's road shall be under the management or control of any railway company or corporation other than the Canada Southern Railway or Michigan Central Railway Company, shall be, at any time, made, and no sale whatever of said portion of said road shall be made unless the consent of the ratepayers of the city of Brantford shall first be had and obtained by by-law to be passed pursuant to and in accordance with the provisions of the Municipal Act in regard to bonus by-laws.

14. The said Railway Company and the said Corporation shall jointly petition the House of Commons of the Dominion of Canada and the Legislature of the Province of Ontario to ratify the provisions of this by-law, or such part thereof as may be required, at their ensuing sessions ; and the said Company shall bear the expense of such legislation.

15. Unless the ratification in the last clause mentioned is obtained, the Council of the said Corporation may declare this by-law void and of no effect.

16. This by-law shall take effect on, from and after the first day of July, A.D., 1888.

17. That a poll be held and the votes of the electors of the said city entitled to vote thereon shall be taken on the second day of January, A.D. 1888, on the said proposed by-law at the hour of nine o'clock in the forenoon, and continue until the hour of five o'clock in the afternoon, at the following places and by the following persons hereby appointed deputy returning officers, viz. :—

Deputy Returning Officer.**Place.****NORTH WARD.**

Div. No. 1.	Rich'd W. Brooks.....	Cornelius Carey's house, Niagara Street.
do 2.	David Wilson.....	Henry Wood's house, Waterloo Street.
do 3.	Maurice Quinlan.....	Henry Budson's house, cor. Adelaide and Albion Streets.
do 4.	W. F. Thompson.....	Robt. McKenzie's house, William Street.
do 5.	James Cox.....	George Knowles' house, Egerton Street.
do 6.	Simon E. Lewes.....	Peter Casey's shop, east side West Mill Street.

KING'S WARD.

do 7.	Robt. Welsh.....	George Fletcher's shop, Oxford Street.
do 8.	John Callis.....	Wm. Apps' shop, Colborne Street.

QUEEN'S WARD.

do 9.	S. Snider.....	B. Bell & Son's shop, Colborne Street.
do 10.	Benjamin Hunn.....	Engine house
do 11.	L. B. Carey.....	L. B. Carey's shop, Market Street.

BRANT WARD.

do 12.	David Curtis.....	City Hall.
do 13.	John C. Heaton.....	A. G. Scott's house, Dalhousie Street.
do 14.	Joseph Tilley.....	Court House.
do 15.	James W. Tutt.....	Mrs. Oxtaby's house, Grey Street.

EAST WARD.

do 16.	John A. Leitch.....	George Haddlesay's house, Arthur Street.
do 17.	William Frank.....	Albert Waldron's house, Victoria Street.
do 18.	E. Kester.....	John Fisher's house, Dalhousie Street.
do 19.	Joseph McLean.....	Mrs. Hobson's house, Nelson Street.
do 20.	Joseph Thomas.....	Wm. Draper's house, Chatham Street.

18. That the clerk of the said municipal Corporation shall sum up the number of votes given for or against this by-law, at the hour of ten o'clock in the forenoon, on the third day of January, A.D. 1888, at the city hall, in the city of Brantford, and the mayor of the said city shall attend at the office of the said clerk in said city, on Thursday, the twenty-second day of December, A.D. 1887, at ten o'clock in the forenoon, which time and place are hereby fixed for the appointment of persons to attend at the polling places and at the final summing up of the votes by the clerk, respectively, on behalf of persons interested in promoting and opposing the above by-law.

TAKE NOTICE,

That the above is a true copy of the proposed by-law, which will be taken into consideration by the Council of the Corporation of the said city of Brantford, on Monday, the sixteenth day of January, 1888, at 7:30 o'clock p.m., being more than one month from the first publication of the same in the Brantford Daily Expositor newspaper, the date of which first publication is the tenth day of December, 1887, and at the day and hour and places in said by-law fixed for taking the votes of the electors thereon,

the poll will be held for taking the votes of the electors of the said city on said proposed by-law.

Council Chamber, Brantford, 10th December, A.D. 1887.

JAMES WOODYATT,
Clerk of the Council of the City of Brantford.

Passed on the 16th day of January, 1888.

(Signed) CHAS. B. HEYD, [L.S.]
Mayor.

“ JAMES WOODYATT,
City Clerk.

(Signed) GEO. H. WILKES, [L.S.]
President.

“ J. J. HAWKINS,
Secretary.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 63.

An Act to incorporate the Montreal Island Railway Company.

[Assented to 22nd May, 1888.]

Preamble.

WHEREAS the construction and operation of a railway from a point in or near Montreal, passing by Maisonneuve, Longue Pointe, Pointe aux Trembles, Rivière des Prairies, Sault au Recollet, Bord à Plouffe, St. Laurent, Ste. Geneviève, Ste. Anne, Pointe Claire and Lachine, is desirable; and whereas the said railway, if constructed, will cross the Grand Trunk Railway and the Canadian Pacific Railway, and will therefore, under the provisions of section one hundred and twenty-one of "*The Railway Act*," be a work for the general advantage of Canada; and whereas a petition has been presented praying for the incorporation of a Company for that purpose, and it is expedient to grant in part the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Victor Hudon, J. C. Auger, F. W. Henshaw, George Reaves, I. U. Emard and N. Perodeau, all of the city of Montreal, L. P. Chaloult, of the town of Kamouraska, and Hubert Provost, of the town of Maisonneuve, together with such persons as, under the provisions of this Act, become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "*The Montreal Island Railway Company*," hereinafter called "*the Company*."

Corporate name.

Offices of the company.

2. The head office of the Company shall be in the city of Montreal; but the board of directors may establish one or more offices in other places in Canada or elsewhere.

Line of railway described.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in or near the city of Montreal, passing by Maisonneuve, Longue Pointe, Pointe aux Trembles, Rivière

des Prairies, Sault au Recollet, Bord à Plouffe, St. Laurent, Ste. Geneviève, Ste. Anne, Pointe Claire and Lachine.

4. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, of whom a majority shall be a quorum ; and the said provisional directors shall hold office as such until the first election of directors under this Act, and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed, and cause plans and surveys to be made, and deposit in any chartered bank of Canada moneys received by them on account of stock subscribed,—which moneys shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the Company for any cause whatsoever.

Provisional directors and their powers.

Moneys deposited to be withdrawn for certain purposes only.

5. The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each ; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates of the works hereby authorized ; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of this Act.

Capital stock and shares.

6. So soon as two hundred and fifty thousand dollars of the said capital have been subscribed as aforesaid, and ten per cent. thereof paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at the city of Montreal at such time and place as they think proper, giving at least fourteen days' notice thereof in the *Canada Gazette* and in one or more of the daily newspapers published in the city of Montreal,—at which meeting the shareholders, who have paid at least ten per cent. on the amount of stock subscribed for by them, shall elect five directors from the shareholders possessing the qualifications hereinafter mentioned, of whom a majority shall form a quorum ; and such directors shall hold office until the next annual general meeting of the shareholders, as hereinafter provided.

First meeting of shareholders.

Notice thereof.

Election of directors.

7. The annual general meeting of the shareholders, for the election of directors and other general purposes, shall be held on the first Wednesday of March in each year, at the city of Montreal or elsewhere in Canada, as may be appointed by by-law ; and notice of the hour and place of such meeting shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more daily newspapers published in the city of Montreal,—the notice in both cases to be published in English and French.

Annual general meeting.

Number of
directors.

8. At such annual general meeting the subscribers for the capital stock assembled who have paid all calls due on their shares shall choose five persons to be directors of the Company, of whom a majority shall be a quorum, and one or more of whom may be paid directors of the Company.

Qualification
of directors.

9. No person shall be elected a director of the Company unless he is a shareholder holding at least twenty shares in the stock of the Company, and has paid up all calls made thereon and then due.

Issue of
bonds.

10. The directors of the Company, under the authority of the shareholders to them given at any special general meeting, called for the purpose in the manner hereinbefore mentioned, attended by shareholders in person or represented by proxy who represent at least two-thirds in value of the subscribed stock of the Company, and who have paid all calls due thereon, may issue bonds signed by the president or other presiding officer and countersigned by the secretary,—which counter-signature and the signature to the coupons attached to such bonds may be engraved; and such bonds may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest as the directors think proper:

Disposal of
bonds.

2. The directors may issue and sell or pledge all or any of the said bonds, at the best price and upon the best terms and conditions which at the time they are able to obtain, for the purpose of raising money for prosecuting the said undertaking:

Amount
limited.

3. The amount of such bonds so issued, sold or pledged, shall not exceed thirty thousand dollars per mile of the said railway and branches, to be issued in proportion to the length of railway constructed or under contract to be constructed.

Mortgage
deed to secure
bonds.

11. The Company may secure such bonds by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject, in the first instance, to the payment of the working expenditure of the railway:

Working ex-
penditure.

Powers grant-
ed by deed.

2. By the said deed the Company may grant to the holders of such bonds, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the bondholders in manner and form as therein provided:

Validity of
deed.

3. Every such mortgage deed shall be deposited in the office of the Secretary of State of Canada,—of which deposit notice shall be given by the Company in the *Canada Gazette*.

Deposit of deed.

12. The bonds hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the Company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section :

Bonds to be a preferential claim on the undertaking.

2. Each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other bondholders ; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

Bondholder to be a mortgagee.

13. If the Company makes default in paying the principal or interest on any of the bonds hereby authorized at the time when the same, by the terms of the bond, becomes due and payable, then at the next annual general meeting of the Company, and at all subsequent meetings, all holders of bonds so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the Company to a corresponding amount :

Powers of bondholders in case of non-payment.

2. The rights given by this section shall not be exercised by any bondholder unless it is so provided by the mortgage deed, nor unless the bond in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of voting thereon ; and the Company shall be bound on demand to register such bonds, and thereafter any transfers thereof, in the same manner as shares or transfers of shares :

Rights of bondholders defined.

3. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds are entitled under the provisions of such mortgage deed.

Registration of bonds.

Certain rights not affected.

14. All bonds hereby authorized may be made payable to bearer, and shall, in that case, be transferable by delivery, until registration thereof as hereinbefore provided ; and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Transfer of bonds.

15. The Company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars :

Promissory notes may be issued.

dollars ; and every such note or bill made, drawn, accepted or indorsed by the president or vice-president of the Company, and countersigned by the secretary, shall be binding on the Company ; and every such note or bill of exchange so made, drawn, accepted or indorsed, shall be presumed to have been made, drawn, accepted or indorsed with proper authority until the contrary is shown ; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible for the same, unless such promissory note or bill has been issued without proper authority ; but nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

Notes not to be payable to bearer.

Grants in aid may be received.

16. The Company may receive in aid of the construction of the railway, or any part thereof, from any person or body corporate, municipal or politic, who have power to grant the same, any bonus of money or debenture or other benefit of any sort, either with or without conditions, and may enter into an agreement for the carrying out of any such conditions or with respect thereto.

Paid up stock may be issued in certain cases.

17. The directors of the Company, elected by the shareholders, may make and issue as paid up stock, shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers ; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Telegraph and telephone lines.

18. The Company may also construct electric telegraph and telephone lines for the purposes of its undertaking in connection with the railway.

Agreement with another company.

19. The Company may enter into an agreement with the Grand Trunk Railway Company of Canada or the Canadian Pacific Railway Company for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, and also the surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit, provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders called for the purpose of considering the same, on notice given in the manner hereinbefore mentioned,—at which meeting shareholders representing at least one-half in value of the stock are present

Sanction of shareholders and of Governor in Council.

in person or represented by proxy,—and that it has also been sanctioned by the Governor in Council :

2. Before such sanction by the Governor in Council is given, notice of the application therefor shall be published in the *Canada Gazette*, and in one newspaper in each of the counties through which the said railway runs, for at least two months prior to the time named in such notice for the making of such application ; and such notice shall state a time and place when and where the application is to be made, and that all persons may, then and there, appear and be heard on such application.

Notice of application for sanction.

20. The railway shall be commenced within two years and completed within four years from the passing of this Act ; otherwise the powers hereby granted shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Limitation of time.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 64.

An Act to incorporate the St. Lawrence and Adirondack Railway Company.

[Assented to 4th May, 1888.]

Preamble.

WHEREAS the construction and operation of a railway from a point in or near the town of Salaberry de Valleyfield, in the county of Beauharnois, passing through the counties of Beauharnois and Huntingdon, by the parishes of Ste. Cécile and St. Stanislas de Kostka, in the county of Beauharnois, and by the village of Huntingdon in the county of Huntingdon, in order to reach any point or place on the frontier of the State of New York, in rear of the township of Hinchinbrook or Elgin, in the said county of Huntingdon would be for the general advantage of Canada: and whereas a petition has been presented praying for the incorporation of a Company for that purpose, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Incorporation.

1. James Wattie, Moise Plante, Daniel Boyd, Andrew Wilson, J. Emile Vanier, George H. Phillips, Louis Dépocas, Octave Cossette, John S. Nicolson, A. D. Danis, Félix Cardinal, the younger, James T. Anderson and Zéphirin Boyer, together with such persons as, under the provisions of this Act, become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The St. Lawrence and Adirondack Railway Company," hereinafter called "the Company"; and the said railway and the works hereby authorized are declared to be for the general advantage of Canada.

Corporate name.

Declaratory.

Offices of the company.

2. The head office of the Company shall be in the town of Salaberry de Valleyfield aforesaid, but the board of directors may establish one or more offices in other places in Canada or elsewhere.

3. The Company may lay out, construct and operate a Line of railway of the gauge of four feet eight and one-half inches from a point in or near the town of Salaberry de Valleyfield, in the county of Beauharnois, passing through the counties of Beauharnois and Huntingdon, in the parishes of Ste. Cécile and St. Stanislas de Kostka, in the county of Beauharnois, and in or near the village of Huntingdon, in the county of Huntingdon, in order to reach any place on the frontier of the State of New York, in rear of the township of Hinchinbrook or Elgin, in the said county of Huntingdon.

4. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, of whom a majority shall be a quorum ; and the said provisional directors shall hold office as such until the first election of directors under this Act, and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed, and cause plans and surveys to be made, and deposit in any chartered bank of Canada moneys received by them on account of stock subscribed,—which moneys shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the Company for any cause whatsoever.

5. The capital stock of the Company shall be three hundred and fifty thousand dollars, divided into shares of one hundred dollars each ; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates of the works hereby authorized ; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of this Act.

6. So soon as one hundred and seventy-five thousand dollars of the said capital have been subscribed as aforesaid, and ten per cent. thereof paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at the town of Salaberry de Valleyfield aforesaid at such time and place as they think proper,—giving at least fourteen days' notice thereof in the *Canada Gazette* and in one or more of the daily newspapers published in the city of Montreal, and in one or more other newspapers published in the district of Beauharnois,—at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them shall elect nine directors from the shareholders, possessing the qualifications hereinafter mentioned, of whom a majority shall form a quorum ; and such directors shall hold office until the next annual general meeting of the shareholders, as hereinafter provided.

Annual general meeting.

7. The annual general meeting of the shareholders, for the election of directors and other general purposes, shall be held on the first Thursday of May, in each year, at the town of Salaberry de Valleyfield aforesaid, or elsewhere in Canada, as may be appointed by by-law; and notice of the hour and place of such meeting shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more daily newspapers published in the city of Montreal, and in one or more other newspapers in the district of Beauharnois.

Number of directors.

8. At such annual general meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose nine persons to be directors of the Company, of whom a majority shall be a quorum, and one or more of whom may be paid directors of the Company.

Qualification of director.

9. No person shall be elected a director of the Company unless he is a shareholder holding at least ten shares in the stock of the Company, and has paid up all calls made thereon and then due.

Issue of bonds.

10. The directors of the Company, under the authority of the shareholders to them given at any special general meeting called for the purpose in the manner hereinbefore mentioned, attended by shareholders in person or represented by proxy, who represent at least two-thirds in value of the subscribed stock of the Company, and who have paid all calls due thereon, may issue bonds signed by the president or other presiding officer and countersigned by the secretary, — which counter-signature and the signature to the coupons attached to such bonds may be engraved; and such bonds may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest as the directors think proper:

Disposal of bonds.

2. The directors may issue and sell or pledge all or any of the said bonds at the best price and upon the best terms and conditions which, at the time, they are able to obtain, for the purpose of raising money for prosecuting the said undertaking:

Amount limited.

3. The amount of such bonds so issued, sold or pledged, shall not exceed twenty thousand dollars per mile of the said railway and branches, to be issued in proportion to the length of railway constructed or under contract to be constructed.

Mortgage deed to secure bonds.

11. The Company may secure such bonds by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future, or both, as are described in the said deed; but such rents and revenues shall be sub-

ject, in the first instance, to the payment of the working expenditure of the railway :

Working expenditure.

2. By the said deed the Company may grant to the holders of such bonds, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be ; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the bondholders in manner and form as therein provided :

Powers granted by deed.

Validity of deed.

3. Every such mortgage deed shall be deposited in the office of the Secretary of State of Canada,—of which deposit notice shall be given by the Company in the *Canada Gazette*.

Deposit of deed.

12. The bonds hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the Company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section :

Bonds to be a preferential claim on the undertaking.

2. Each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other bondholders ; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

Bondholder to be a mortgagee.

13. If the Company makes default in paying the principal of or interest on any of the bonds hereby authorized at the time when the same, by the terms of the bond, becomes due and payable, then at the next annual general meeting of the Company, and at all subsequent meetings, all holders of bonds so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the Company to a corresponding amount :

Powers of bondholders in case of non-payment.

2. The rights given by this section shall not be exercised by any bondholder unless it is so provided by the mortgage deed, nor unless the bond in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of voting thereon ; and the Company shall be bound on demand to register such bonds, and thereafter any transfers thereof, in the same manner as shares or transfers of shares :

Rights of bondholders defined.

Registration of bonds.

Certain rights
not affected.

3. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds are entitled under the provisions of such mortgage deed.

Transfer of
bonds.

14. All bonds hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as hereinbefore provided ; and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Promissory
notes may be
issued.

15. The Company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars ; and every such note or bill made, drawn, accepted or indorsed by the president or vice-president of the Company, and countersigned by the secretary, shall be binding on the Company ; and every such note or bill of exchange so made, drawn, accepted or indorsed, shall be presumed to have been made, drawn, accepted or indorsed with proper authority until the contrary is shown ; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible for the same, unless such promissory note or bill has been issued without proper authority ; but nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

Notes not to
be payable to
bearer.

Grants in aid
may be re-
ceived.

16. The Company may receive, in aid of the construction of the railway or any part thereof, from any person or body corporate, municipal or politic, having power to grant the same, any bonus of money or debenture or other benefit of any sort, either with or without conditions, and may enter into an agreement for the carrying out of any such conditions or with respect thereto.

Paid up stock
may be issued
in certain
cases.

17. The directors of the Company elected by the shareholders may make and issue, as paid up stock, shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers ; and such issue and allotment of stock shall be binding on the Company ; and such stock shall not be assessable for calls.

Telegraph
and telephone
lines.

18. The Company may also construct electric telegraph and telephone lines for the purposes of its undertaking in connection with the railway.

19. The Company may enter into an agreement with the Champlain Junction Railway Company, the Canada Atlantic Railway Company, or the Beauharnois Junction Railway Company, for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders called for the purpose of considering the same, on notice given in the manner hereinbefore mentioned,—at which meeting shareholders representing at least one-half in value of the stock are present in person or represented by proxy,—and that it has also been sanctioned by the Governor in Council:

Agreement
with another
company.

Sanction of
shareholders
and of Governor
in Council.

2. Before such sanction by the Governor in Council is given, notice of the application therefor shall be published in the *Canada Gazette* and in one newspaper in each of the counties through which the said railway runs, for at least two months prior to the time named in such notice for the making of such application; and such notice shall state a time and place when and where the application is to be made, and that all persons may then and there appear and be heard on such application.

Notice of ap-
plication for
sanction.

20. The railway shall be commenced within two years and completed within five years from the passing of this Act; otherwise the powers hereby granted shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Limitation of
time.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 65.

An Act to incorporate the Ottawa and Parry Sound Railway Company.

[Assented to 4th May, 1888.]

Preamble.

WHEREAS the construction and operation of a railway from a point on the Canadian Pacific Railway, in or near the village of Renfrew, in the Province of Ontario, thence by the most feasible and available engineering route to the village of Eganville, passing through the townships of Horton, Admaston and Grattan, thence to Killaloe, and thence by the most feasible and available engineering route through the districts of Nipissing and Parry Sound, to some point on Georgian Bay at or near the village of Parry Sound, would be for the general advantage of Canada; and whereas a petition has been presented praying for the incorporation of a Company for that purpose, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. John R. Booth, Frank McDougall, McLeod Stewart, William A. Allan, Hiram Robinson, the Honorable Francis Clemow, William Mackey, William R. Thistle, Archibald Stewart and Charles Magee, all of the city of Ottawa; Claude McLachlin, of Arnprior; William Mackay, James Craig, Thomas Henderson, Patrick Devine, Joseph Plant and W. Dean, all of the village of Renfrew; Stephen Whalen, of Admaston; John S. J. Watson and William Harryett, of Rockingham, and A. H. Johnson, together with such persons as under the provisions of this Act become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Ottawa and Parry Sound Railway Company," hereinafter called "the Company"; and the Railway hereby authorized to be built is declared to be a work for the general advantage of Canada.

Corporate name.

Declaratory.

Offices of the company.

2. The head office of the Company shall be in the city of Ottawa; but the board of directors may establish one or more offices in other places in Canada or elsewhere.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point on the Canadian Pacific Railway, in or near the village of Renfrew, in the county of Renfrew, thence by the most feasible and available engineering route to the village of Eganville, passing through the townships of Horton, Admaston and Grattan, thence to Killaloe, and thence by the most feasible and available engineering route through the districts of Nipissing and Parry Sound to some point on Georgian Bay at or near the village of Parry Sound ; and may also make branch lines to any length not exceeding six miles :

Line of railway described.

Branch lines.

2. The Company may construct, purchase or otherwise acquire or charter for any purposes in connection with their railway, and may navigate and use steam and sailing vessels, scows and boats on any navigable waters touched by or adjacent to the line as chartered of the said railway or any of its branches, and may sell or dispose of the same :

Steam and other vessels.

3. The Company may purchase, lease or acquire at any point where their railway, or any branch thereof, touches or approaches within two miles of any navigable waters, sufficient land for the use of the Company, their railway and vessels run or navigated in connection with the said railway ; and the Company may erect warehouses, elevators, docks, wharves, stations, workshops and such other buildings as are necessary for the purposes of the Company ; but the Company shall not commence the construction of any docks and wharves on any navigable water until the plans and site of such docks and wharves have first been submitted to and approved of by the Governor in Council ; and the Company may also connect any of the works herein mentioned with any point on the railway or its branches, by means of any line or lines of railway for such purposes.

Powers as to lands, elevators, &c., near navigable waters.

Subject to sanction of the Governor in Council.

4. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, of whom a majority shall be a quorum ; and the said provisional directors shall hold office as such until the first election of directors under this Act, and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed, and cause plans and surveys to be made, and deposit in any chartered bank of Canada moneys received by them on account of stock subscribed,—which moneys shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the Company for any cause whatsoever.

Provisional directors and their powers.

Moneys deposited to be withdrawn for certain purposes only.

5. The capital stock of the Company shall be three million dollars, divided into shares of one hundred dollars each ; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disburse-

Capital stock and shares.

ments for procuring the passing of this Act, and for making the surveys, plans and estimates of the works hereby authorized; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of this Act.

First meeting
of shareholders.

Notice there-
of.

Election of
directors.

Annual gen-
eral meeting.

Special gener-
al meetings.

Number of
directors.

Paid direc-
tors.

Qualification
of director.

Number may
be reduced.

6. So soon as three hundred thousand dollars of the said capital have been subscribed as aforesaid, and ten per cent. of the subscribed capital paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at the city of Ottawa, at such time and place as they think proper, giving at least fourteen days' notice thereof in the *Canada Gazette* and in one or more of the daily newspapers published in the city of Ottawa, and in one newspaper published in the village of Renfrew,—at which meeting the shareholders, who have paid at least ten per cent. on the amount of stock subscribed for by them, shall elect seven directors from the shareholders possessing the qualifications hereinafter mentioned, of whom a majority shall form a quorum; and such directors shall hold office until the next annual general meeting of the shareholders, as hereinafter provided.

7. The annual general meeting of the shareholders, for the election of directors and other general purposes, shall be held on the first Tuesday in May in each year, at the city of Ottawa or elsewhere in Canada, as may be appointed by by-law; and notice of the hour and place of such meeting shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more daily newspapers published in the city of Ottawa and in one newspaper published in the village of Renfrew:

2. The directors may make by-laws regulating the calling of special general meetings of the shareholders for any purpose; but in the absence of any such by-laws, such meetings may be called by the directors in the manner herein provided for the calling of such meetings with reference to the issue of bonds.

8. At such annual general meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose seven persons to be directors of the Company, of whom a majority shall be a quorum, and one or more of whom may be paid directors of the Company.

9. No person shall be elected a director of the Company unless he is a shareholder holding at least twenty shares in the stock of the Company, and has paid up all calls made thereon and then due:

2. The number of directors may be reduced by by-law of the Company to not less than five persons, of whom a majority shall form a quorum:

3. Aliens as well as British subjects, and whether resident in Canada or elsewhere, may be shareholders in the Company, and all such aliens shall be entitled to vote on their shares equally with British subjects; and aliens shall also be eligible to office as directors in the Company.

Equal rights of shareholders.

10. The directors of the Company, under the authority of the shareholders, to them given at any annual general meeting of shareholders, or at any special general meeting called for the purpose, in the manner hereinbefore mentioned for the calling of an annual general meeting, attended by shareholders in person or represented by proxy, who represent at least two-thirds in value of the subscribed stock of the Company, and who have paid all calls due thereon, may issue mortgage bonds, signed by the president or other presiding officer, and countersigned by the secretary,—which counter-signature and the signature to the coupons attached to such bonds may be engraved; and such bonds may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest as the directors think proper:

Issue of bonds.

2. The directors may issue and sell or pledge all or any of the said bonds, at the best price and upon the best terms and conditions which, at the time, they are able to obtain, for the purpose of raising money for prosecuting the said undertaking:

Disposal of bonds.

3. The amount of such bonds so issued, sold or pledged, shall not exceed twenty-five thousand dollars per mile of the said railway and branches, to be issued in proportion to the length of the railway constructed or under contract to be constructed.

Amount limited.

11. The Company may secure such bonds by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject, in the first instance, to the payment of the working expenditure of the railway:

Mortgage deed to secure bonds.

2. By the said deed the Company may grant to the holders of such bonds, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the bondholders in manner and form as therein provided:

Working expenditure.

Powers granted by deed.

Validity of deed.

3. Every such mortgage deed shall be deposited in the office of the Secretary of State of Canada,—of which deposit notice shall be given by the Company in the *Canada Gazette*.

Deposit of deed.

Bonds to be a preferential claim on the undertaking

12. The bonds hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the Company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section :

Bondholder to be a mortgagee.

2. Each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro ratâ* with all the other bondholders ; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

Powers of bondholders in case of non-payment.

13. If the Company makes default in paying the principal of or interest on any of the bonds hereby authorized, at the time when the same, by the terms of the bond, becomes due and payable, then at the next annual general meeting of the Company, and at all subsequent meetings, all holders of bonds so being and remaining in default shall in respect thereof have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid-up shares of the Company to a corresponding amount :

Rights of bondholders defined

2. The rights given by this section shall not be exercised by any bondholder unless it is so provided by the mortgage deed, nor unless the bond in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of voting thereon ; and the Company shall be bound on demand to register such bonds, and thereafter any transfers thereof, in the same manner as shares or transfers of shares :

Registration of bonds.

Certain rights not affected

3. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds are entitled under the provisions of such mortgage deed.

Transfer of bonds.

14. All bonds hereby authorized may be made payable to bearer, and shall, in that case, be transferable by delivery, until registration thereof as hereinbefore provided ; and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Promissory notes may be issued.

15. The Company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars ; and every such note or bill made, drawn, accepted or indorsed by the president or vice-president of the Company, and countersigned by the secretary, shall be binding on the Company ; and every such note or bill of exchange so made,

drawn, accepted or indorsed, shall be presumed to have been made, drawn, accepted or indorsed with proper authority until the contrary is shown; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible for the same, unless such promissory note or bill has been issued without proper authority; but nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

Notes not to be payable to bearer.

16. The Company may receive, in aid of the construction of the railway or any part thereof, from any person or body corporate, municipal or politic having power to grant the same, any bonus of money or debenture or other benefit of any sort, either with or without conditions, and may enter into an agreement for the carrying out of any such condition or with respect thereto.

Grants in aid may be received.

17. The directors of the Company, elected by the shareholders, may make and issue, as paid up stock, shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers; and such issue and allotment of stock shall be binding on the Company; and such stock shall not be assessable for calls.

Paid up stock may be issued in certain cases.

18. The Company may also construct electric telegraph and telephone lines for the purposes of its undertaking in connection with the railway.

Telegraph and telephone lines.

19. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Kingston and Pembroke Railway Company, the Parry Sound Colonization Railway Company, or the Ottawa, Arnprior and Renfrew Company, for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders called for the purpose of considering the same, on notice given in the manner hereinbefore mentioned,—at which meeting shareholders representing at least one-half in value of the stock are present in person or represented by proxy,—and that it has also been sanctioned by the Governor in Council:

Agreement with another company.

Sanction of shareholders and of Governor in Council.

Notice of application for sanction.

2. Before such sanction by the Governor in Council is given, notice of the application therefor shall be published in the *Canada Gazette*, and in one newspaper in each of the counties through which the said railway runs, for at least two months prior to the time named in such notice for the making of such application ; and such notice shall state a time and place when and where the application is to be made, and that all persons may then and there appear and be heard on such application.

Limitation of time.

20. The railway shall be commenced within two years and completed within five years from the passing of this Act ; otherwise the powers hereby granted shall cease, and be null and void as respects so much of the railway as then remains uncompleted.

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51 VICTORIA.

CHAP. 66.

An Act to incorporate the Pontiac and Renfrew Railway Company.

[Assented to 4th May, 1888]

WHEREAS the construction and operation of a railway Preamble.
from a point on the Canadian Pacific Railway between
Braeside and Arnprior, to a point on the Pontiac and Pacific
Junction Railway, between the Quyon village, or a point
adjacent thereto, and Smith's Station, and thence to a point
at or near the Desert village, with the right to construct a
bridge or ply a ferry boat across the Ottawa River, would
be for the general advantage of Canada; and whereas a peti-
tion has been presented praying for the incorporation of a
Company for that purpose, and it is expedient to grant the
prayer of the said petition: Therefore Her Majesty, by and
with the advice and consent of the Senate and House of
Commons of Canada, enacts as follows:—

1. Hiram Robinson, of the city of Ottawa, in the county of Incorporation.
Carleton, agent, John Bryson, of the village of Bryson, in
the Province of Quebec, timber merchant, W. J. Poupore,
of Chichester, in the said Province of Quebec, contractor,
Charles Magee, of the said city of Ottawa, esquire, Caleb C.
Symons, of Bristol, in the said Province of Quebec, Robert
Blackburn, of the said city of Ottawa, esquire, and R. Dul-
mage, of the Town of Arnprior, in the County of Renfrew,
and Province of Ontario, barrister-at-law, together with
such persons as, under the provisions of this Act, become
shareholders in the Company hereby incorporated, are here-
by constituted a body corporate under the name of "The Corporate name.
Pontiac and Renfrew Railway Company," hereinafter called
"the Company"; and the said railway and the works
hereby authorized are declared to be for the general advan- Declaratory.
tage of Canada.

2. The head office of the Company shall be in the city of Offices of the company.
Ottawa; but the board of directors may establish one or
more offices in other places in Canada or elsewhere.

Line of railway described.

3. The Company may lay out, construct and operate a railway, of the gauge of four feet eight and one-half inches, from a point on the Canadian Pacific Railway between Braeside and Arnprior, to a point on the Pontiac Pacific Junction Railway between Quyon village or a point adjacent thereto and Smith's Station, and thence to a point at or near the Desert village.

Bridge over the Ottawa River may be constructed.

4. The Company may build and complete a bridge for railway purposes across the Ottawa River on the line of the railway, with one or more tracks, with the necessary approaches, machinery and appliances to enable the Company to use the said bridge; and the Company may also, as part of the said bridge, in their discretion at any time construct or arrange the said bridge as well for the use of foot passengers and carriages, or either, as they think best.

Sanction of Governor in Council required.

5. The Company shall not commence the said bridge over the Ottawa River, or any work appertaining thereto, until they have submitted to the Governor in Council plans of such bridge and of all the intended works thereunto appertaining, nor until such plans and the site of such bridge have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose touching the said bridge and works, have been complied with; nor may any such plan be altered nor any deviation therefrom allowed, except by the permission of the Governor in Council, and upon such conditions as he imposes:

Provision if construction of drawbridge is required.

2. If the Governor in Council determines that such bridge shall be a drawbridge, the same shall be constructed so as to have one draw in the main channel of such river,—which draw shall be of such width as the Governor in Council determines, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river; and the said draw shall, at all times during the season of navigation, be kept open, except when actually required to be closed for the passage of railway trains, and shall be otherwise tended and moved at the expense of the company so as not to hinder unnecessarily the passage of any vessel; from sundown until sunrise during the season of navigation suitable lights shall be maintained on such bridge, to guide vessels approaching the said draw:

Lights.

No discrimination as to passage or rates.

3. When the said bridge is completed and ready for traffic, all trains of all railways terminating at or near the said bridge, and now constructed or hereafter to be constructed, including the cars of any other railway company which may be brought over such railway, shall have, and be entitled to, the same and equal rights and privileges in the passage of the said bridge, so that no discrimination or preference in the passage of the said bridge and approaches thereto or in tariff rates for transportation shall be made in

favor of or against any railway whose trains or business pass over the said bridge :

4. In case of any disagreement as to the rights of any railway whose trains or business pass over the bridge hereby authorized to be constructed, or as to the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators, one to be appointed by the Company hereby incorporated and another by the company with whom the disagreement has arisen, and a third, who shall be some person experienced in railway affairs, by one of the superior courts of the Provinces of Ontario or Quebec, upon application to such court—due notice thereof having been given to the parties interested ; and the award of the said arbitrators or a majority of them shall be final :

Arbitration in case of disagreement.

5. If the Company construct or arrange the said bridge for the use of foot passengers and carriages, as well as for railway purposes, then the tolls to be charged for the passage of such foot passengers and carriages shall, before being imposed, be first submitted to and approved of, and may be amended and modified from time to time, by the Governor in Council ; but the Company may, at any time, reduce the same ; and a notice shewing the tolls authorized to be charged, shall, at all times, be posted up in a conspicuous place on the said bridge.

Tolls on foot bridge subject to approval of the Governor in Council.

Tariff to be posted up.

6. The Company may, in connection with their railway, and for the purpose of carrying goods, freight and passengers over the same, construct, acquire, maintain and employ steam ferry boats to ply across the navigable parts of the Ottawa River.

Steam ferry boats may be employed.

7. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, of whom a majority shall be a quorum ; and the said provisional directors shall hold office as such until the first election of directors under this Act, and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed, and cause plans and surveys to be made, and deposit in any chartered bank of Canada moneys received by them on account of stock subscribed,—which moneys shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the Company for any cause whatsoever.

Provisional directors and their powers.

Moneys deposited to be withdrawn for certain purposes only.

8. The capital stock of the Company shall be two hundred and fifty thousand dollars, divided into shares of one hundred dollars each ; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates of the works hereby authorized ; and all the remainder of such money

Capital stock and shares.

money shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of this Act.

First meeting
of shareholders.

9. So soon as one hundred thousand dollars of the said capital have been subscribed as aforesaid, and ten per cent. thereof paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at the city of Ottawa, at such time and place as they think proper, giving at least fourteen days' notice thereof in the *Canada Gazette* and in one or more of the daily newspapers published in the City of Ottawa; at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them shall elect five directors from the shareholders, possessing the qualifications hereinafter mentioned, of whom a majority shall form a quorum; and such directors shall hold office until the next annual general meeting of the shareholders, as hereinafter provided.

Notice thereof.

Election of
directors.

Annual general
meeting.

10. The annual general meeting of the shareholders, for the election of directors and other general purposes, shall be held on the second Wednesday in January in each year, at the city of Ottawa or elsewhere in Canada, as may be appointed by by-law; and notice of the hour and place of such meeting shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more daily newspapers published in the city of Ottawa.

Number of
directors.

11. At such annual general meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose five persons to be directors of the Company, of whom a majority shall be a quorum, and one or more of whom may be paid directors of the Company.

Paid directors.

Qualification
of director.

12. No person shall be elected a director of the Company unless he is a shareholder holding at least twenty shares in the stock of the Company, and has paid up all calls made thereon and then due.

Issue of
bonds.

13. The directors of the Company, under the authority of the shareholders to them given at any special general meeting, called for the purpose in the manner hereinbefore mentioned, attended by shareholders in person or represented by proxy, who represent at least two-thirds in value of the subscribed stock of the Company and who have paid all calls due thereon, may issue bonds signed by the president or other presiding officer and countersigned by the secretary,—which counter-signature and the signature to the coupons attached to such bonds may be engraved; and such bonds may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest as the directors think proper:

2. The directors may issue and sell or pledge all or any of the said bonds, at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking :

Disposal of bonds.

3. The amount of such bonds so issued, sold or pledged, shall not exceed fifteen thousand dollars per mile of the said railway and branches, to be issued in proportion to the length of railway constructed or under contract to be constructed, and such bonds shall be called "A" bonds; and in addition thereto bonds to an amount not exceeding two hundred thousand dollars may be issued for the construction of the bridge and steam ferry boats hereinbefore mentioned, and shall be called "B" bonds.

Amount limited.

14. The Company may secure all such bonds by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenditure of the railway, bridge and ferry :

Mortgage deed to secure bonds.

Working expenditure.

2. To specially secure series "B" bonds, tolls for the use of the said bridge not exceeding four dollars for each car, and tolls for such ferry shall, from time to time, be fixed, imposed, changed, varied and regulated by the by-laws of the Company; but such by-laws before being enforced shall be first submitted to and approved of by the Governor in Council, and the tolls to be levied shall be uniformly imposed upon all companies and corporations using the said bridge, and shall be demanded and received as well from the Pontiac and Renfrew Railway Company as from all railway companies and other corporations and persons using the same, for all cars passing over the said bridge, and shall be paid to such persons, and at such places, and under such regulations as the said by-laws direct :

Tolls to specially secure series "B" bonds.

3. By the said deed the Company may grant to the holders of such bonds, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the bondholders in manner and form as therein provided :

Powers granted by deed.

Validity of deed.

4. Such mortgage deed shall be deposited in the office of the Secretary of State of Canada,—of which deposit notice shall be given by the Company in the *Canada Gazette*.

Deposit of deed.

15. The bonds hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the Company and the franchise, undertaking,

Bonds to be a preferential claim on the undertaking.

tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section :

Bondholder to be a mortgagee.

2. Each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other bondholders ; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

Powers of bondholders in case of non-payment.

16. If the Company makes default in paying the principal of or interest on any of the bonds hereby authorized at the time when the same, by the terms of the bond, becomes due and payable, then at the next annual general meeting of the Company, and at all subsequent meetings, all holders of bonds so being and remaining in default shall in respect thereof have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders, if they held fully paid-up shares of the Company to a corresponding amount :

Rights of bondholders defined.

2. The rights given by this section shall not be exercised by any bondholder unless it is provided by the mortgage deed, nor unless the bond in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of voting thereon ; and the Company shall be bound on demand to register such bonds, and thereafter any transfers thereof, in the same manner as shares or transfers of shares :

Registration of bonds.

Certain rights not affected.

3. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds are entitled under the provisions of such mortgage deed.

Transfer of bonds.

17. All bonds hereby authorized may be made payable to bearer, and shall, in that case, be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Promissory notes may be issued.

18. The Company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars ; and every such note or bill made, drawn, accepted or indorsed by the president or vice-president of the Company, and countersigned by the secretary, shall be binding on the Company ; and every such note or bill of exchange so made, drawn, accepted or indorsed, shall be presumed to have been made, drawn, accepted or indorsed with proper

authority until the contrary is shown ; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible for the same, unless such promissory note or bill has been issued without proper authority ; but nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

Notes not to be payable to bearer.

19. The Company may receive, in aid of the construction of the railway or any part thereof, from any person or body corporate, municipal or politic, having power to grant the same, any bonus of money or debenture or other benefit of any sort, either with or without conditions, and may enter into an agreement for the carrying out of any such conditions or with respect thereto.

Grants in aid may be received.

20. The directors of the Company elected by the shareholders may make and issue as paid up stock shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers ; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Paid up stock may be issued in certain cases.

21. The Company may also construct electric telegraph and telephone lines for the purposes of its undertaking in connection with the railway.

Telegraph and telephone lines.

22. The Company may enter into an agreement with the Canadian Pacific Railway Company, or the Pontiac and Pacific Junction Railway Company, for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit ; provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders called for the purpose of considering the same, on notice given in the manner hereinbefore mentioned,—at which meeting shareholders representing at least one-half in value of the stock are present in person or represented by proxy,—and that it has also been sanctioned by the Governor in Council :

Agreement with another company.

Sanction of shareholders and of Governor in Council.

2. Before such sanction by the Governor in Council is given, notice of the application therefor shall be published in the *Canada Gazette*, and in one newspaper in each of the counties through which the said railway runs, for at least

Notice of application for sanction.

two months prior to the time named in such notice for the making of such application ; and such notice shall state a time and place when and where the application is to be made, and that all persons may then and there appear and be heard on such application.

Limitation of
time as to
railway.

23. The railway shall be commenced within two years and completed within five years from the passing of this Act ; otherwise the powers hereby granted shall cease and be null and void as respects so much of the railway as then remains uncompleted.

And as to
bridge.

24. The bridge shall be commenced within two years and completed within five years from the passing of this Act ; otherwise the powers granted under section four of this Act shall cease and be null and void.

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51 VICTORIA.

CHAP. 67.

An Act to incorporate the New York, St. Lawrence and
Ottawa Railway Company.

[Assented to 22nd May, 1888.]

WHEREAS the construction and operation of a railway Preamble.
from a point in or near the city of Ottawa, in the
Province of Ontario, to the town of Brockville, in the said
Province, or to a point on the Brockville, Westport and
Sault Sainte Marie Railway is desirable; and whereas a
petition has been presented praying for the incorporation
of a Company for that purpose, and it is expedient to grant
the prayer of the said petition: Therefore Her Majesty, by
and with the advice and consent of the Senate and House
of Commons of Canada, enacts as follows:—

1. Herbert G. Hervey, Robert Bowie, W. B. Smellie, Incorporation.
George H. Weatherhead and H. T. Fitzsimmons, together
with such persons and corporations as, under the provisions
of this Act, become shareholders in the Company hereby
incorporated, are hereby constituted a body corporate under
the name of "The New York, St. Lawrence and Ottawa Corporate
Railway Company," hereinafter called "the Company." name.

2. The head office of the Company shall be at Brockville; Offices of the
but the board of directors may establish one or more offices company.
in other places in Canada or elsewhere.

3. The Company may lay out, construct and operate a Line of rail-
railway of the gauge of four feet eight and one-half inches, way describ-
from a point in or near the city of Ottawa, in the Province ed.
of Ontario, to the town of Brockville, in the said Province,
or to a point between Brockville and Westport on the line
of the Brockville, Westport and Sault Sainte Marie Railway.

4. The persons mentioned by name in the first section of Provisional
this Act are hereby constituted provisional directors of the directors and
Company, of whom a majority shall be a quorum, and the their powers.
said provisional directors shall hold office as such until the

Moneys deposited to be withdrawn for certain purposes only.

first election of directors under this Act, and may forthwith elect officers, open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed, and cause plans and surveys to be made, and deposit in any chartered bank of Canada moneys received by them on account of stock subscribed,—which moneys shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the Company for any cause whatsoever.

Capital stock and shares.

5. The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates of the works hereby authorized; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of this Act.

First meeting of shareholders.

6. So soon as two hundred and fifty thousand dollars of the said capital has been subscribed as aforesaid, and ten per cent. thereof paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at the town of Brockville at such time and place as they think proper, giving at least two weeks' notice thereof in the *Canada Gazette* and in one or more of the daily newspapers published in the town of Brockville,—at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them shall elect seven directors from the shareholders possessing the qualifications hereinafter mentioned, of whom a majority shall form a quorum; and such directors shall hold office until the next annual general meeting of the shareholders, as hereinafter provided.

Notice thereof.

Election of directors.

Annual general meeting.

7. The annual general meeting of the shareholders, for the election of directors and other general purposes, shall be held on the first Wednesday in February, in each year, at the town of Brockville or elsewhere, as appointed by by-law; and notice of the hour and place of such meeting shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more daily newspapers published in Brockville.

Number of directors.

8. At such annual general meeting the subscribers for the capital stock assembled who have paid all calls due on their shares shall choose seven persons to be directors of the Company, of whom a majority shall be a quorum, and one or more of whom may be paid directors of the Company.

Paid directors.

Qualification of director.

9. No person shall be elected a director of the Company unless he is a shareholder, holding at least twenty shares in

the stock of the Company, and has paid up all calls made thereon and then due.

10. The directors of the Company, under the authority of the shareholders to them given at any special general meeting called for the purpose, attended by shareholders in person or represented by proxy, who represent at least two-thirds in value of the subscribed stock of the Company, and who have paid all calls due thereon, may issue bonds signed by the president or other presiding officer and countersigned by the secretary,—which counter-signature and the signature to the coupons attached to such bonds may be engraved; and such bonds may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest as the directors think proper:

Issue of bonds.

2. The directors may issue and sell or pledge all or any of the said bonds at the best price and upon the best terms and conditions which at the time they are able to obtain, for the purpose of raising money, or prosecuting the said undertaking:

Disposal of bonds.

3. The amount of such bonds so issued, sold or pledged, shall not exceed twenty thousand dollars per mile of the said railway and branches, to be issued in proportion to the length of railway constructed or under contract to be constructed.

Amount limited.

11. The Company may secure such bonds by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenditure of the railway:

Mortgage deed to secure bonds.

Working expenditure.

2. By the said deed the Company may grant to the holders of such bonds, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the bondholders in manner and form as therein provided:

Powers granted by deed.

Validity of deed.

3. Every such mortgage deed shall be deposited in the office of the Secretary of State of Canada,—of which deposit notice shall be given in the *Canada Gazette*.

Deposit of deed.

12. The bonds hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the Company, and the franchise, undertaking, tolls and income and real and personal property thereof, at


Bonds to be a preferential claim on the undertaking.

any time acquired, save and except as provided for in the next preceding section :

Bondholder to be a mortgagee.

2. Each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other bondholders ; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds or the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

Powers of bondholders in case of non-payment

13. If the Company makes default in paying the principal of or interest on any of the bonds hereby authorized at the time when the same, by the terms of the bonds, becomes due and payable, then at the next annual general meeting of the Company, and at all subsequent meetings, all holders of bonds so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders, if they held fully paid  shares of the Company to a corresponding amount :

Rights of bondholders defined.

2. The right given by this section shall not be exercised by any bondholder unless it is so provided by the mortgage deed, nor unless the bond in respect of which he claims to exercise such right has been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of voting thereon ; and the Company shall be bound on demand to register such bonds, and thereafter any transfers thereof, in the same manner as shares or transfers of shares :

Registration of bonds.

Certain rights not affected.

3. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds are entitled under the provisions of such mortgage deed.

Transfer of bonds.

14. All bonds hereby authorized may be made payable to bearer, and shall, in that case, be transferable by delivery, until registration thereof, as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Promissory notes may be issued.

15. The Company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars ; and any such note or bill made, drawn, accepted or indorsed by the president or vice-president of the Company, and countersigned by the secretary, shall be binding on the Company ; and every such note or bill of exchange so made, drawn, accepted or indorsed, shall be presumed to have been made, drawn, accepted or indorsed with proper authority until the contrary is shown ; and in no case shall it be necessary to have the seal of the Company

affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible for the same, unless the said promissory note or bill has been issued without proper authority; but nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

Notes not to be payable to bearer.

16. The Company may receive, in aid of the construction of the railway or any part thereof, from any person or body corporate, municipal or politic, having power to grant the same, any bonus of money or debenture or other benefit of any sort, either with or without conditions, and may enter into an agreement for the carrying out of any such conditions or with respect thereto.

Grants in aid may be received.

17. The directors of the Company elected by the shareholders may make and issue, as paid up stock, shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Paid up stock may be issued in certain cases.

18. The Company may also construct electric telegraph and telephone lines for the purposes of its undertaking in connection with the railway.

Telegraph and telephone lines.

19. The Company may enter into an agreement with the Grand Trunk Railway Company of Canada, the Canada Atlantic Railway Company, the Brockville, Westport and Sault Sainte Marie Railway Company, or the Thousand Islands Railway Company, for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders called for the purpose of considering the same, on notice given in the manner hereinbefore mentioned,—at which meeting shareholders representing at least one-half in value of the subscribed stock are present in person or represented by proxy,—and that it has also been sanctioned by the Governor in Council:

Agreement with another company.

Sanction of shareholders and of Governor in Council.

2. Before such sanction by the Governor in Council is given, notice of the application therefor shall be published

Notice of application for sanction.

in the *Canada Gazette* and in one newspaper in each of the counties through which the said railway runs, for at least two months prior to the time named in such notice for the making of such application ; and such notice shall state a time and place when and where the application is to be made, and that all persons may then and there appear and be heard on such application.

Limitation of
time.

20. The railway shall be commenced within three years and completed within five years from the passing of this Act ; otherwise the powers hereby granted shall cease and be null and void as respects so much of the railway as then remains uncompleted.

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51 VICTORIA.

CHAP. 68.

An Act to incorporate the Belleville and Lake Nipissing Railway Company.

[Assented to 22nd May, 1888.]

WHEREAS the construction and operation of a railway Preamble,
from a point on the waters of the Bay of Quinté, in
or near the city of Belleville, up the valley of the River
Moir, *vid* the villages of Tweed and Bridgewater, thence
to Queensborough and Bannockburn, to connect with the
Ontario Central Railway, with power to make running
arrangements with the said Ontario Central Railway over the
line thereof as far as Coe Hill, thence to the village of
Bancroft, and thence to the Canadian Pacific Railway at
Lake Nipissing or at some other point thereon, or by any
other route from Bridgewater and Queensborough to the
Canadian Pacific Railway at Lake Nipissing or at such other
point thereon, is desirable and is for the general advantage
of Canada; and whereas a petition has been presented pray-
ing for the incorporation of a Company for that purpose, and
it is expedient to grant in part the prayer of the said
petition: Therefore Her Majesty, by and with the advice
and consent of the Senate and House of Commons of Canada,
enacts as follows:—

1. The Honorable Billa Flint, Senator, the Honorable Incorporation.
Robert Read, Senator, Thomas Ritchie, N. B. Falkiner,
Henry Corby, all of the city of Belleville; Andrew Robert-
son, of the city of Montreal, Harford Ashley, reeve of the
township of Thurlowe, Robert Gordon, reeve of the town-
ship of Hungerford, Frank S. Thompson, reeve of the town-
ship of Elzevir; and J. F. Moffatt, H. C. Hodgkins, J. V.
Clarke and Romaine Freeman, all of the city of Watertown,
in the State of New York, one of the United States of
America, together with such persons as under the provi-
sions of this Act become shareholders in the Company
hereby incorporated, are hereby constituted a body corpor-
ate under the name of "The Belleville and Lake Nipissing Corporate
Railway Company," hereinafter called "the Company"; and name.

Declaratory. the railway and works hereby authorized are declared to be for the general advantage of Canada.

Offices of the company. 2. The head office of the Company shall be in the city of Belleville; but the board of directors may establish one or more offices in other places in Canada or elsewhere.

Line of railway described. 3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point on the waters of the Bay of Quinté, in or near the city of Belleville, up the valley of the River Moira, *viâ* the villages of Tweed and Bridgewater, thence to Queensborough and Bannockburn, to connect with the Ontario Central Railway, with power to make running arrangements with the said Ontario Central Railway over the line thereof as far as Coe Hill, thence to the village of Bancroft, and thence to the Canadian Pacific Railway at or near Lake Nipissing, or by any other route from Bridgewater and Queensborough to the Canadian Pacific Railway at or near Lake Nipissing.

Provisional directors and their powers. 4. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, of whom a majority shall be a quorum, and the said provisional directors shall hold office as such until the first election of directors under this Act, and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed, and cause plans and surveys to be made, and deposit in any chartered bank of Canada moneys received by them on account of stock subscribed,—which moneys shall not be withdrawn, except for the purposes of the undertaking or upon the dissolution of the Company, for any cause whatsoever.

Capital stock and shares. 5. The capital stock of the Company shall be one million of dollars, divided into shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates of the works hereby authorized; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of this Act.

First meeting of shareholders. 6. So soon as two hundred and fifty thousand dollars of the said capital have been subscribed as aforesaid, and ten per cent. thereof paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at the city of Belleville at such time and place as they think proper, giving at least fourteen days' notice

notice thereof in the *Canada Gazette* and in one or more of the daily newspapers published in said city of Belleville,—at which meeting the shareholders, who have paid at least ten per cent. on the amount of stock subscribed for by them, shall elect seven directors from the shareholders possessing the qualifications hereinafter mentioned, of whom a majority shall form a quorum; and such directors shall hold office until the next annual general meeting of the shareholders, as hereinafter provided.

Election of directors.

7. The annual general meeting of the shareholders, for the election of directors and other general purposes, shall be held on the first Wednesday in November in each year, at the city of Belleville or elsewhere in Canada, as may be appointed by by-law; and notice of the hour and place of such meeting shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more daily newspapers published in the said city of Belleville.

Annual general meeting-

8. At such annual general meeting the subscribers for the capital stock assembled who have paid all calls due on their shares shall choose seven persons to be directors of the Company, of whom a majority shall be a quorum, and one or more of whom may be paid directors of the Company.

Number of directors.

Paid directors.

9. No person shall be elected a director of the Company unless he is a shareholder holding at least twenty shares in the stock of the Company, and has paid up all calls made thereon and then due.

Qualification of director.

10. The directors of the Company, under the authority of the shareholders to them given at any special general meeting, called for the purpose in the manner hereinbefore mentioned, attended by shareholders in person or represented by proxy, who represent at least two-thirds in value of the subscribed stock of the Company and have paid all calls due thereon, may issue bonds signed by the president or other presiding officer and countersigned by the secretary, —which counter-signature and the signature to the coupons attached to such bonds may be engraved; and such bonds may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest as the directors think proper:

Issue of bonds.

2. The directors may issue and sell or pledge all or any of the said bonds, at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking:

Disposal of bonds.

3. The amount of such bonds so issued, sold or pledged, shall not exceed ten thousand dollars per mile of the said railway and branches, to be issued in proportion to the length of railway constructed or under contract to be constructed.

Amount limited.

Mortgage deed to secure bonds.

Working expenditure.

Powers granted by deed.

Validity of deed.

Deposit of deed.

Bonds to be a preferential claim on the undertaking.

Bondholder to be a mortgagee.

Powers of bondholders in case of non-payment.

Right of bondholder defined.

11. The Company may secure such bonds by a mortgage deed, creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenditure of the railway:

2. By the said deed the Company may grant to the holders of such bonds, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the bondholders in manner and form as therein provided:

3. Every such mortgage deed shall be deposited in the office of the Secretary of State of Canada,—of which deposit notice shall be given by the Company in the *Canada Gazette*.

12. The bonds hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the Company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section:

2. Each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other bondholders; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

13. If the Company makes default in paying the principal of or interest on any of the bonds hereby authorized at the time when the same, by the terms of the bond, becomes due and payable, then at the next annual general meeting of the Company, and at all subsequent meetings, all holders of bonds so being and remaining in default shall in respect thereof have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders, if they held fully paid-up shares of the Company to a corresponding amount:

2. The rights given by this section shall not be exercised by any bondholder unless it is so provided by the mortgage deed, nor unless the bond in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the

right of voting thereon ; and the Company shall be bound on demand to register such bonds, and thereafter any transfers thereof, in the same manner as shares or transfers of shares :

Registration of bonds.

3. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds are entitled under the provisions of such mortgage deed.

Certain rights not affected.

14. All bonds hereby authorized may be made payable to bearer, and shall, in that case, be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Transfer of bonds.

15. The Company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars ; and every such note or bill made, drawn, accepted or indorsed by the president or vice-president of the Company, and counter-signed by the secretary, shall be binding on the Company ; and every such note or bill of exchange so made, drawn, accepted or indorsed, shall be presumed to have been made, drawn, accepted or indorsed with proper authority until the contrary is shown ; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible for the same, unless such promissory note or bill has been issued without proper authority ; but nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

Promissory notes may be issued.

Notes not to be payable to bearer.

16. The Company may receive, in aid of the construction of the railway or any part thereof, from any person or body corporate, municipal or politic, who have power to grant the same, any bonus of money or debenture or other benefit of any sort, either with or without conditions, and may enter into an agreement for the carrying out of any such conditions or with respect thereto.

Grants in aid may be received.

17. The directors of the Company elected by the shareholders may make and issue as paid-up stock shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers ; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Paid up stock may be issued in certain cases.

Telegraph
and telephone
lines.

18. The Company may also construct electric telegraph and telephone lines for the purposes of its undertaking in connection with the railway.

Agreement
with other
companies.

19. The Company may enter into an agreement with the Ontario and Quebec Railway Company, and with the Canadian Pacific Railway Company, or with either of such companies, for conveying or leasing to such company (or either of such companies) the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such companies or either of them, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders called for the purpose of considering the same, on notice given in the manner hereinbefore mentioned,—at which meeting shareholders representing at least one-half in value of the stock are present in person or represented by proxy,—and that it has also been sanctioned by the Governor in Council :

Sanction of
shareholders
and of Gover-
nor in Coun-
cil.

Notice of ap-
plication for
sanction.

2. Before such sanction by the Governor in Council is given, notice of the application therefor shall be published in the *Canada Gazette*, and in one newspaper in each of the counties through which the said railway runs, for at least two months prior to the time named in such notice for the making of such application; and such notice shall state a time and place, when and where the application is to be made, and that all persons may then and there appear and be heard on such application.

Limitation of
time.

20. The railway shall be commenced within two years and completed within five years from the passing of this Act; otherwise the powers hereby granted shall cease and be null and void as respects so much of the railway as then remains uncompleted.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 69.

An Act to incorporate the Western Ontario Railway Company.

[Assented to 4th May, 1888.]

WHEREAS the construction and operation of a railway Preamble.
from a point in or near the town of Port Hope, on Lake Ontario, thence through the counties of Durham, Ontario, York, Simcoe, Cardwell, Grey and Bruce, touching in or near Aurora, Newmarket, Shelburne, Dundalk, Durham, Kincardine, Southampton or intermediate points, would be for the general advantage of Canada; and whereas a petition has been presented praying for the incorporation of a Company for that purpose, and it is expedient to grant in part the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. David Jackson, junior, James Isbester, McLeod Stewart, Clarence W. Moberly, Frank Caverhill, Alexander MacLean, Joseph H. Ferguson, Alexander Macpherson and John D. Irwin, together with such persons as, under the provisions of this Act, become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Western Ontario Railway Company," hereinafter called "the Company." Incorporation.
Corporate name.

2. The head office of the Company shall be in the city of Toronto; but the board of directors may establish one or more offices in other places in Canada or elsewhere. Offices of the company.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point in or near the town of Port Hope, on Lake Ontario, thence through the counties of Durham, Ontario, York, Simcoe, Cardwell, Grey and Bruce, touching in or near Aurora, Newmarket, Shelburne and Durham, and thence by way of Walkerton to Inverhuron. Line of railway described.

Provisional
directors and
their powers.

4. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, of whom a majority shall be a quorum, and the said provisional directors shall hold office as such until the first election of directors under this Act, and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed, and cause plans and surveys to be made, and deposit in any chartered bank of Canada moneys received by them on account of stock subscribed, which moneys shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the Company for any cause whatsoever.

Moneys depo-
sited to be
withdrawn
for certain
purposes
only.

Capital stock
and shares.

5. The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each ; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates of the works hereby authorized ; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of this Act.

First meeting
of sharehold-
ers.

Notice there-
of.

Election of
directors.

6. So soon as two hundred and fifty thousand dollars of the said capital have been subscribed as aforesaid, and ten per cent. thereof paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at the head office, at such time and place as they think proper, giving at least fourteen days' notice thereof in the *Canada Gazette* and in one or more of the daily newspapers published in the city of Toronto,—at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them shall elect five directors, from the shareholders possessing the qualifications hereinafter mentioned, of whom a majority shall form a quorum ; and such directors shall hold office until the next annual general meeting of the shareholders, as hereinafter provided.

Annual gen-
eral meeting.

7. The annual general meeting of the shareholders, for the election of directors and other general purposes, shall be held on the first Wednesday in February in each year, at the head office or elsewhere in Canada, as may be appointed by by-law ; and notice of the hour and place of such meeting shall be given at least fourteen days previously in the *Canada Gazette* and in one or more daily newspapers published in the city of Toronto.

Number of
directors

8. At such annual general meeting the subscribers for the capital stock assembled who have paid all calls due on their shares shall choose five persons to be directors of the

Company, of whom a majority shall be a quorum, and one or more of whom may be paid directors of the Company. Paid directors.

9. No person shall be elected a director of the Company unless he is a shareholder holding at least twenty shares in the stock of the Company, and has paid up all calls made thereon and then due. Qualification of director.

10. The directors of the Company, under the authority of the shareholders to them given at any special general meeting called for the purpose in the manner hereinbefore mentioned, attended by shareholders in person or represented by proxy, who represent at least two-thirds in value of the subscribed stock of the Company and have paid all calls due thereon, may issue bonds signed by the president or other presiding officer and countersigned by the secretary, which counter-signature and the signature to the coupons attached to such bonds may be engraved; and such bonds may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest as the directors think proper : Issue of bonds.

2. The directors may issue and sell or pledge all or any of the said bonds, at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking : Disposal of bonds.

3. The amount of such bonds so issued, sold or pledged, shall not exceed twenty thousand dollars per mile of the said railway and branches, to be issued in proportion to the length of railway constructed or under contract to be constructed. Amount limited.

11. The Company may secure such bonds by a mortgage deed, creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenditure of the railway : Mortgage deed to secure bonds.

2. By the said deed the Company may grant to the holders of such bonds, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the bondholders in manner and form as therein provided : Working expenditure.

3. Every such mortgage deed shall be deposited in the office of the Secretary of State of Canada, — of which deposit notice shall be given by the Company in the *Canada Gazette*. Powers granted by deed.

Bonds to be a preferential claim on the undertaking.

12. The bonds hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the Company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section :

Bondholder to be a mortgagee.

2. Each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other bondholders ; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

Powers of bondholders in case of non-payment.

13. If the Company makes default in paying the principal or of interest on any of the bonds hereby authorized, at the time when the same, by the terms of the bond, becomes due and payable, then at the next annual general meeting of the Company, and at all subsequent meetings, all holders of bonds so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders, if they held fully paid-up shares of the Company to a corresponding amount :

Rights of bondholder defined.

2. The rights given by this section shall not be exercised by any bondholder unless it is so provided by the mortgage deed, nor unless the bond in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of voting thereon ; and the Company shall be bound on demand to register such bonds, and thereafter any transfers thereof, in the same manner as shares or transfers of

Registration of bonds.

• shares :

Certain rights not affected.

3. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds are entitled under the provisions of such mortgage deed.

Transfer of bonds.

14. All bonds hereby authorized may be made payable to bearer, and shall, in that case, be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Promissory notes may be issued.

15. The Company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars ; and every such note or bill made, drawn, accepted or indorsed by the president or vice-president of the Company, and countersigned by the secretary, shall be binding on the

Company ; and every such note or bill of exchange so made, drawn, accepted or indorsed, shall be presumed to have been made, drawn, accepted or indorsed with proper authority until the contrary is shown ; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible for the same, unless such promissory note or bill has been issued without proper authority ; but nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

Notes not to be payable to bearer.

16. The Company may receive in aid of the construction of the railway or any part thereof, from any person or body corporate, municipal or politic, having power to grant the same, any bonus of money or debenture or other benefit of any sort, either with or without conditions, and may enter into an agreement for the carrying out of any such conditions or with respect thereto.

Grants in aid may be received.

17. The directors of the Company elected by the shareholders may make and issue as paid up stock shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers ; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Paid up stock may be issued in certain cases.

18. The Company may build, acquire, lease and operate vessels worked by steam or otherwise, to run in connection with the railway.

Vessels.

19. The Company may also construct electric telegraph and telephone lines for the purposes of its undertaking in connection with the railway.

Telegraph and telephone lines.

20. The Company may enter into an agreement with the Canadian Pacific Railway Company or the Grand Trunk Railway Company of Canada, for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery, and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit ; provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders called for the purpose of considering the same, on notice given in the manner hereinbefore mentioned,—at

Agreement with another company.

Sanction of shareholders and of Governor in Council.

which meeting shareholders representing at least one-half in value of the stock are present in person or represented by proxy,—and that it has also been sanctioned by the Governor in Council:

Notice of application for sanction.

2. Before such sanction by the Governor in Council is given, notice of the application therefor shall be published in the *Canada Gazette* and in one newspaper in each of the counties through which the said railway runs, for at least two months prior to the time named in such notice for the making of such application; and such notice shall state a time and place when and where the application is to be made, and that all persons may then and there appear and be heard on such application.

Limitation of time.

21. The railway shall be commenced within two years and completed within five years from the passing of this Act; otherwise the powers hereby granted shall cease and be null and void as respects so much of the railway as then remains uncompleted.

OTTAWA: Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 70.

An Act to incorporate the Collingwood and Bay of Quinté Railway Company.

[Assented to 4th May, 1888.]

WHEREAS the construction and operation of a railway Preamble.
from a point in or near the town of Collingwood, in the county of Simcoe, to a point on the Bay of Quinté, in or near the town of Trenton, in the county of Northumberland, or in or near the city of Belleville, in the county of Hastings, passing in or near the village of Bradford, in the county of Simcoe, in or near the village of Uxbridge, in the County of Ontario, in or near the village of Port Perry, in the said county of Ontario, and in or near the village of Brighton, in the county of Northumberland, to the waters of the said Bay of Quinté, in or near the said town of Trenton or the said city of Belleville, is desirable; and whereas a petition has been presented praying for the incorporation of a Company for that purpose, and it is expedient to grant in part the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Charles Cameron, steamboat owner, Thomas Long, Incorporation.
merchant, Charles Macdonald, miller, Andrew Melville, saw-mill owner, Alexander Richard Stephen, physician, Charles E. Stephens, merchant, Frank F. Telfer, merchant, Bernard Callary, merchant, and Frank Moberly, civil engineer, all of the town of Collingwood, together with such persons as under the provisions of this Act become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Collingwood and Bay of Quinté Railway Company," hereinafter called "the Company." Corporate name.

2. The head office of the Company shall be in the Offices of the
town of Collingwood, in the county of Simcoe; but the board company.
of directors may establish one or more offices in other places in Canada or elsewhere.

Line of railway described.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in or near the said town of Collingwood and passing in or near the aforesaid towns and villages of Bradford, Uxbridge and Port Perry to Lake Ontario at the harbor of Presquile at or near the village of Brighton or at the Bay of Quinté at or near the town of Trenton or at or near the city of Belleville.

Provisional directors and their powers.

4. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, of whom a majority shall be a quorum, and the said provisional directors shall hold office as such until the first election of directors under this Act, and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payment on account of stock subscribed, and cause plans and surveys to be made, and deposit in any chartered bank of Canada moneys received by them on account of stock subscribed,—which moneys shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the Company for any cause whatsoever.

Moneys deposited to be withdrawn for certain purposes only.

Capital stock and shares.

5. The capital stock of the Company shall be one million dollars divided into shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates of the works hereby authorized, and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of this Act.

First meeting of shareholders.

6. So soon as two hundred and fifty thousand dollars of the said capital have been subscribed as aforesaid, and ten per cent. thereof paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at the town of Collingwood at such time and place as they think proper, giving at least fourteen days' notice thereof in the *Canada Gazette* and in one or more of the daily newspapers published in the city of Toronto and in one or more of the weekly newspapers published in the said town of Collingwood,—at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them shall elect nine directors from the shareholders possessing the qualifications hereinafter mentioned, of whom a majority shall form a quorum; and such directors shall hold office until the next annual general meeting of the shareholders, as hereinafter provided.

Notice thereof.

Election of directors.

Annual general meeting

7. The annual general meeting of the shareholders, for the election of directors and other general purposes, shall be

held on the first Wednesday in February in each year, at the town of Collingwood, or elsewhere in Canada, as may be appointed by by-law; and notice of the hour and place of such meeting shall be given at least fourteen days previously in the *Canada Gazette* and in one or more daily newspapers published in the city of Toronto, and also in one or more of the weekly newspapers published in the town of Collingwood.

8. At such annual general meeting the subscribers for the capital stock assembled who have paid all calls due on their shares shall choose nine persons to be directors of the Company, of whom a majority shall be a quorum, and one or more of whom may be paid directors of the Company.

Number of directors.

Paid directors.

9. No person shall be elected a director of the Company unless he is a shareholder holding at least twenty shares in the stock of the Company, and has paid up all calls made thereon and then due.

Qualification of director.

10. The directors of the Company, under the authority of the shareholders to them given at any special general meeting called for the purpose in the manner hereinbefore mentioned, attended by shareholders in person or represented by proxy, who represent at least two-thirds in value of the subscribed stock of the Company and have paid all calls due thereon, may issue bonds signed by the president or other presiding officer and countersigned by the secretary,—which counter-signature and the signature to the coupons attached to such bonds may be engraved; and such bonds may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest as the directors think proper:

Issue of bonds.

2. The directors may issue and sell or pledge all or any of the said bonds, at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking:

Disposal of bonds.

3. The amount of such bonds so issued, sold or pledged, shall not exceed fifteen thousand dollars per mile of the said railway and branches, to be issued in proportion to the length of railway constructed or under contract to be constructed.

Amount limited.

11. The Company may secure such bonds by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future, or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenditure of the railway:

Mortgage deed to secure bonds.

Working expenditure.

Powers granted by deed.

2. By the said deed the Company may grant to the holders of such bonds, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be ; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the bondholders in manner and form as therein provided :

Validity of deed.

Deposit of deed.

3. Every such mortgage deed shall be deposited in the office of the Secretary of State of Canada,—of which deposit notice shall be given by the Company in the *Canada Gazette*.

Bonds to be a preferential claim on the undertaking.

12. The bonds hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the Company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section :

Fondholder to be a mortgagee.

2. Each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro ratâ* with all the other bondholders ; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

Powers of bondholders in case of non-payment.

13. If the Company makes default in paying the principal of or interest on any of the bonds hereby authorized at the time when the same, by the terms of the bond, becomes due and payable, then at the next annual general meeting of the Company and at all subsequent meetings, all holders of bonds so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the Company to a corresponding amount :

Rights of bondholders defined.

2. The rights given by this section shall not be exercised by any bondholder unless it is so provided by the mortgage deed, nor unless the bond in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of voting thereon ; and the Company shall be bound on demand to register such bonds, and thereafter any transfers thereof, in the same manner as shares or transfers of shares :

Registration of bonds.

Certain rights not affected.

8. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies

remedies to which the holders of the said bonds are entitled under the provisions of such mortgage deed.

14. All bonds hereby authorized may be made payable to bearer, and shall, in that case, be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Transfer of bonds.

15. The Company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars; and every such note or bill, made, drawn, accepted or indorsed by the president or vice president of the Company and countersigned by the secretary, shall be binding on the Company; and every such note or bill of exchange so made, drawn, accepted or indorsed shall be presumed to have been made, drawn, accepted or indorsed with proper authority until the contrary is shown; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the president or vice president or secretary be individually responsible for the same, unless such promissory note or bill has been issued without proper authority; but nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

Promissory notes may be issued.

Notes not to be payable to bearer.

16. The Company may receive, in aid of the construction of the railway or any part thereof, from any person or body corporate, municipal or politic, having power to grant the same, any bonus of money or debenture or other benefit of any sort, either with or without conditions, and may enter into an agreement for the carrying out of any such conditions or with respect thereto.

Grants in aid may be received.

17. The directors of the Company elected by the shareholders may make and issue, as paid up stock, shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Paid up stock may be issued in certain cases.

18. The Company may also construct electric telegraph and telephone lines for the purposes of its undertaking in connection with the railway.

Telegraph and telephone lines.

19. The Company may buy, build or charter, and when necessary sell and dispose of steam and other vessels, and operate and use the same in connection with the said railway

Powers as to steam and other vessels.

Powers granted by deed.

2. By the said deed the Company may grant to the holders of such bonds, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be ; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the bondholders in manner and form as therein provided :

Validity of deed.

3. Every such mortgage deed shall be deposited in the office of the Secretary of State of Canada,—of which deposit notice shall be given by the Company in the *Canada Gazette*.

Bonds to be a preferential claim on the undertaking.

12. The bonds hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the Company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section :

Fondholder to be a mortgagee.

2. Each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other bondholders ; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

Powers of bondholders in case of non-payment.

13. If the Company makes default in paying the principal of or interest on any of the bonds hereby authorized at the time when the same, by the terms of the bond, becomes due and payable, then at the next annual general meeting of the Company and at all subsequent meetings, all holders of bonds so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the Company to a corresponding amount :

Rights of bondholders defined.

2. The rights given by this section shall not be exercised by any bondholder unless it is so provided by the mortgage deed, nor unless the bond in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of voting thereon ; and the Company shall be bound on demand to register such bonds, and thereafter any transfers thereof, in the same manner as shares or transfers of shares :

Registration of bonds.

Certain rights not affected.

3. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies

remedies to which the holders of the said bonds are entitled under the provisions of such mortgage deed.

14. All bonds hereby authorized may be made payable to bearer, and shall, in that case, be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Transfer of bonds.

15. The Company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars; and every such note or bill, made, drawn, accepted or indorsed by the president or vice president of the Company and countersigned by the secretary, shall be binding on the Company; and every such note or bill of exchange so made, drawn, accepted or indorsed shall be presumed to have been made, drawn, accepted or indorsed with proper authority until the contrary is shown; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the president or vice president or secretary be individually responsible for the same, unless such promissory note or bill has been issued without proper authority; but nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

Promissory notes may be issued.

Notes not to be payable to bearer.

16. The Company may receive, in aid of the construction of the railway or any part thereof, from any person or body corporate, municipal or politic, having power to grant the same, any bonus of money or debenture or other benefit of any sort, either with or without conditions, and may enter into an agreement for the carrying out of any such conditions or with respect thereto.

Grants in aid may be received.

17. The directors of the Company elected by the shareholders may make and issue, as paid up stock, shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Paid up stock may be issued in certain cases.

18. The Company may also construct electric telegraph and telephone lines for the purposes of its undertaking in connection with the railway.

Telegraph and telephone lines.

19. The Company may buy, build or charter, and when necessary sell and dispose of steam and other vessels, and operate and use the same in connection with the said railway

Powers as to steam and other vessels.

Powers granted by deed.

2. By the said deed the Company may grant to the holders of such bonds, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be ; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the bondholders in manner and form as therein provided :

Validity of deed.

Deposit of deed.

3. Every such mortgage deed shall be deposited in the office of the Secretary of State of Canada,—of which deposit notice shall be given by the Company in the *Canada Gazette*.

Bonds to be a preferential claim on the undertaking.

12. The bonds hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the Company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section :

Bondholder to be a mortgagee.

2. Each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro ratâ* with all the other bondholders ; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

Powers of bondholders in case of non-payment.

13. If the Company makes default in paying the principal of or interest on any of the bonds hereby authorized at the time when the same, by the terms of the bond, becomes due and payable, then at the next annual general meeting of the Company and at all subsequent meetings, all holders of bonds so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the Company to a corresponding amount :

Rights of bondholders defined.

2. The rights given by this section shall not be exercised by any bondholder unless it is so provided by the mortgage deed, nor unless the bond in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of voting thereon ; and the Company shall be bound on demand to register such bonds, and thereafter any transfers thereof, in the same manner as shares or transfers of shares :

Registration of bonds.

Certain rights not affected.

8. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies

remedies to which the holders of the said bonds are entitled under the provisions of such mortgage deed.

14. All bonds hereby authorized may be made payable to bearer, and shall, in that case, be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Transfer of bonds.

15. The Company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars; and every such note or bill, made, drawn, accepted or indorsed by the president or vice president of the Company and countersigned by the secretary, shall be binding on the Company; and every such note or bill of exchange so made, drawn, accepted or indorsed shall be presumed to have been made, drawn, accepted or indorsed with proper authority until the contrary is shown; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the president or vice president or secretary be individually responsible for the same, unless such promissory note or bill has been issued without proper authority; but nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

Promissory notes may be issued.

Notes not to be payable to bearer.

16. The Company may receive, in aid of the construction of the railway or any part thereof, from any person or body corporate, municipal or politic, having power to grant the same, any bonus of money or debenture or other benefit of any sort, either with or without conditions, and may enter into an agreement for the carrying out of any such conditions or with respect thereto.

Grants in aid may be received.

17. The directors of the Company elected by the shareholders may make and issue, as paid up stock, shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Paid up stock may be issued in certain cases.

18. The Company may also construct electric telegraph and telephone lines for the purposes of its undertaking in connection with the railway.

Telegraph and telephone lines.

19. The Company may buy, build or charter, and when necessary sell and dispose of steam and other vessels, and operate and use the same in connection with the said railway

Powers as to steam and other vessels.

for the purpose of carrying freight and passengers to such ports on the navigable waters of Canada or the United States as may be found desirable, and shall be entitled to charge tolls or rates for passengers and freight carried on board such vessels.

Agreement
with another
company.

20. The Company may enter into an agreement with the Canadian Pacific Railway Company, or the Grand Trunk Railway Company of Canada, for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders called for the purpose of considering the same, on notice given in the manner hereinbefore mentioned,—at which meeting shareholders representing at least one-half in value of the stock are present in person or represented by proxy,—and that it has also been sanctioned by the Governor in Council :

Sanction of
shareholders
and of Gover-
nor in Coun-
cil.

Notice of ap-
plication for
sanction.

2. Before such sanction by the Governor in Council is given, notice of the application therefor shall be published in the *Canada Gazette* and in one newspaper in each of the counties through which the said railway runs, for at least two months prior to the time named in such notice for the making of such application ; and such notice shall state a time and place when and where the application is to be made and that all persons may then and there appear and be heard on such application.

Limitation of
time.

21. The railway shall be commenced within three years and completed within six years from the passing of this Act, otherwise the powers hereby granted shall cease and be null and void as respects so much of the railway as then remains uncompleted.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 71.

An Act to incorporate the Tobique Gypsum and Colonization Railway Company.

[Assented to 22nd May, 1888.]

WHEREAS the construction and operation of a railway Preamble.
from a point on the New Brunswick Railway at
Perth Centre, in the county of Victoria, and Province of
New Brunswick to "The Plaster Rock," so called, thence
along the valley of the Tobique River, with a view to con-
nect with the proposed Restigouche and Victoria Coloniza-
tion Railway at or as near as may be to the Nictaux Lake,
would be for the general advantage of Canada; and whereas
a petition has been presented praying for the incorporation
of a Company for that purpose, and it is expedient to grant
the prayer of the said petition: Therefore Her Majesty, by
and with the advice and consent of the Senate and House of
Commons of Canada, enacts as follows:—

1. John E. Stewart, E. R. Burpee, K. F. Burns, John Connor, Walter Armstrong and H. A. Connell, together Incorporation.
with such persons as under the provisions of this Act
become shareholders in the Company hereby incorporated,
are hereby constituted a body corporate under the name of
"The Tobique, Gypsum and Colonization Railway Com- Corporate
pany," hereinafter called "the Company," and the said rail- name.
way is hereby declared to be a work for the general advan- Declaratory.
tage of Canada.

2. The head office of the Company shall be in the town Offices of the
of Andover; but the board of directors may establish one or company.
more offices in other places in Canada or elsewhere.

3. The Company may lay out, construct and operate a Line of rail-
railway of the gauge of four feet eight and one-half inches way describ-
from a point on the New Brunswick Railway at Perth ed.
Centre, in the county of Victoria, and Province of New
Brunswick, to "The Plaster Rock," so called, thence along
the valley of the Tobique River, with a view to connect

with the proposed Restigouche and Victoria Colonization Railway, at or as near as may be to the Nictaux Lake.

Provisional directors and their powers.

4. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, of whom a majority shall be a quorum; and the said provisional directors shall hold office as such until the first election of directors under this Act, and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed, and cause plans and surveys to be made, and deposit in any chartered bank of Canada moneys received by them on account of stock subscribed,—which moneys shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the Company for any cause whatsoever.

Moneys deposited to be withdrawn for certain purposes only.

Capital stock and shares.

5. The capital stock of the Company shall be five hundred thousand dollars, divided into shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates of the works hereby authorized; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of this Act.

First meeting of shareholders.

6. So soon as one hundred and twenty-five thousand dollars of the said capital have been subscribed as aforesaid, and ten per cent. thereof paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at the town of Woodstock, at such time and place as they think proper, giving at least fourteen days' notice thereof in the *Canada Gazette* and in one or more of the daily newspapers published in the town of Woodstock,—at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them shall elect five directors from the shareholders possessing the qualifications hereinafter mentioned, of whom a majority shall form a quorum; and such directors shall hold office until the next annual general meeting of the shareholders, as hereinafter provided.

Notice thereof.

Election of directors.

Annual general meeting.

7. The annual general meeting of the shareholders, for the election of directors and other general purposes, shall be held on the first Tuesday in July in each year, at the town of Andover or elsewhere in Canada, as may be appointed by by-law; and notice of the hour and place of such meeting shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more daily newspapers published in the town of Woodstock.

8. At such annual general meeting the subscribers for the capital stock assembled who have paid all calls due on their shares shall choose five persons to be directors of the Company, of whom a majority shall be a quorum, and one or more of whom may be paid directors of the Company.

Number of directors.

Paid directors.

9. No person shall be elected a director of the Company unless he is a shareholder holding at least twenty shares in the stock of the Company, and has paid up all calls made thereon and then due.

Qualification of director.

10. The directors of the Company, under the authority of the shareholders to them given at any special general meeting called for the purpose in the manner hereinbefore mentioned, attended by shareholders in person or represented by proxy, who represent at least two-thirds in value of the subscribed stock of the Company, and who have paid all calls due thereon, may issue bonds signed by the president or other presiding officer and countersigned by the secretary,—which counter-signature and the signature to the coupons attached to such bonds may be engraved; and such bonds may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest as the directors think proper:

Issue of bonds.

2. The directors may issue and sell or pledge all or any of the said bonds, at the best price and upon the best terms and conditions which at the time they are able to obtain, for the purpose of raising money for prosecuting the said undertaking:

Disposal of bonds.

3. The amount of such bonds so issued, sold or pledged, shall not exceed twenty thousand dollars per mile of the said railway and branches, to be issued in proportion to the length of railway constructed or under contract to be constructed.

Amount limited.

11. The Company may secure such bonds by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenditure of the railway:

Mortgage deed to secure bonds.

Working expenditure.

2. By the said deed the Company may grant to the holders of such bonds, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the bondholders in manner and form as therein provided:

Powers granted by deed.

Validity of deed.

Deposit of deed.

8. Every such mortgage deed shall be deposited in the office of the Secretary of State of Canada,—of which deposit notice shall be given by the Company in the *Canada Gazette*.

Bonds to be a preferential claim on the undertaking.

12. The bonds hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the Company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section :

Bondholder to be a mortgagee.

2. Each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro ratâ* with all the other bondholders ; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed

Powers of bondholders in case of non-payment.

13. If the Company makes default in paying the principal of or interest on any of the bonds hereby authorized at the time when the same, by the terms of the bond, becomes due and payable, then at the next annual general meeting of the Company, and at all subsequent meetings, all holders of bonds so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid-up shares of the Company to a corresponding amount :

Rights of bondholder defined.

2. The rights given by this section shall not be exercised by any bondholder unless it is so provided by the mortgage deed, nor unless the bond in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of voting thereon ; and the Company shall be bound on demand to register such bonds, and thereafter any transfers thereof, in the same manner as shares or transfers of shares :

Certain rights not affected.

3. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds are entitled under the provisions of such mortgage deed.

Transfer of bonds.

14. All bonds hereby authorized may be made payable to bearer, and shall, in that case, be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

15. The Company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars ; and every such note or bill made, drawn, accepted or indorsed by the president or vice-president of the Company, and countersigned by the secretary shall be binding on the Company ; and every such note or bill of exchange so made drawn, accepted or indorsed, shall be presumed to have been made, drawn, accepted or indorsed with proper authority until the contrary is shown ; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible for the same, unless such promissory note or bill has been issued without proper authority ; but nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

Promissory notes may be issued.

Notes not to be payable to bearer.

16. The Company may receive, in aid of the construction of the railway or any part thereof, from any person or body corporate, municipal or politic having power to grant the same, any bonus of money or debenture or other benefit of any sort, either with or without conditions, and may enter into an agreement for the carrying out of any such conditions or with respect thereto.

Grants in aid may be received.

17. The directors of the Company, elected by the shareholders, may make and issue, as paid up stock, shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers ; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Paid up stock may be issued in certain cases.

18. The Company may also construct electric telegraph and telephone lines for the purposes of its undertaking in connection with the railway.

Telegraph and telephone lines.

19. The Company may enter into an agreement with the New Brunswick Railway Company for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit, provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders called for the purpose of considering the same, on notice given in the manner hereinbefore mentioned,—at which meeting the

Agreement with another company.

Sanction of shareholders and of Governor in Council.

shareholders representing at least one-half in value of the stock are present in person or represented by proxy,—and that it has also been sanctioned by the Governor in Council :

Notice of application for sanction.

2. Before such sanction by the Governor in Council is given, notice of the application therefor shall be published in the *Canada Gazette*, and in one newspaper in each of the counties through which the said railway runs, for at least two months prior to the time named in such notice for the making of such application ; and such notice shall state a time and place when and where the application is to be made, and that all persons may then and there appear and be heard on such application.

Limitation of time.

20. The railway shall be commenced within one year and completed within three years from the coming into force of this Act ; otherwise the powers hereby granted shall cease and be null and void as respects so much of the railway as then remains uncompleted.

When Act shall take effect.

21. The foregoing provisions of this Act shall come into operation from and after a day to be named by proclamation of the Governor General bringing the same into force, and such proclamation may issue at any time within one year from the passing of this Act, on his being satisfied that the construction of the line of railway authorized to be built by the third section of this Act, is not being proceeded with by the Tobique Valley Railway Company, incorporated by statute of the Province of New Brunswick, at such a rate of progress as to secure the completion of fourteen miles thereof by the thirty-first day of December next, or if on the said last mentioned date such fourteen miles have not been completed.

When proclamation may issue.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 72.

An Act to incorporate the Chatham Railway Company.

[Assented to 22nd May, 1888.]

WHEREAS the persons hereinafter named have, by their Preamble.
petition, prayed to be incorporated as a Company under the name of "The Chatham Railway Company," for the purpose of acquiring and purchasing the line of railway leading from Chatham Junction, on the Intercolonial Railway, to the town of Chatham, in the county of Northumberland, and for the purpose of extending the said railway to the Miramichi River at some point between the public wharf and the Canada wharf in Chatham, and also for the purpose of constructing a branch line from a point on the said railway line to the said Miramichi River in the parish of Nelson; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Jabez B. Snowball, of Chatham, merchant, Francis E. Winslow, of Chatham, bank manager, Frederick P. Thompson, of Fredericton, manufacturer, William B. Snowball, of Chatham, merchant's clerk, Alexander Leichman, of Chatham, accountant, William Murray, of Chatham, merchant, and Scott Fairley, of Blackville, lumber dealer, together with such persons as under the provisions of this Act become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the Incorporation.
name of "The Chatham Railway Company," hereinafter Corporate name.
called "the Company;" and the said railway and the lines authorized by this Act to be constructed are declared to be Declaratory.
works for the general advantage of Canada.

2. The head office of the Company shall be in the town Offices of the
of Chatham, New Brunswick; but the board of directors company.
may establish one or more offices in other places in Canada or elsewhere.

Line of railway may be acquired.

Branch lines may be built.

3. The Company may purchase, lease or otherwise acquire the railway line from Chatham Junction on the Intercolonial Railway to the town of Chatham, and all the buildings, stations and other property connected with the said railway line, and may lay out, construct, finish and operate an extension of the said railway from Chatham station to a point on the River Miramichi between the public wharf and the Canada wharf in the town of Chatham, and also a branch line from some point on the said railway line to the said River Miramichi in the parish of Nelson.

Provisional directors and their powers.

4. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, of whom a majority shall be a quorum; and the said provisional directors shall hold office as such until the first election of directors under this Act, and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed, and cause plans and surveys to be made, and deposit in any chartered bank of Canada moneys received by them on account of stock subscribed,—which moneys shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the Company for any cause whatsoever.

Moneys not to be withdrawn for certain purposes only.

Capital stock and shares.

5. The capital stock of the Company shall be two hundred thousand dollars, divided into shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates of the works hereby authorized; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of this Act.

First meeting of shareholders.

6. So soon as sixty thousand dollars of the said capital have been subscribed as aforesaid, and ten per cent. thereof paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at the town of Chatham, New Brunswick, at such time and place as they think proper, giving at least fourteen days' notice thereof in the *Canada Gazette* and in one or more of the daily newspapers published in Chatham aforesaid,—at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them shall elect five directors from the shareholders possessing the qualifications hereinafter mentioned, of whom a majority shall form a quorum; and such directors shall hold office until the next annual general meeting of the shareholders, as hereinafter provided.

Notice thereof.

Election of directors.

7. The annual general meeting of the shareholders, for the election of directors and other general purposes, shall be held on the first Tuesday in December in each year, at the said town of Chatham or elsewhere in Canada, as appointed by by-law; and notice of the hour and place of such meeting shall be given at least fourteen days previously, in one or more daily newspapers published in Chatham aforesaid. Annual general meeting.

8. At such annual general meeting the subscribers for the capital stock assembled who have paid all calls due on their shares shall choose five persons to be directors of the Company, of whom a majority shall be a quorum, and one or more of whom may be paid directors of the Company. Number of directors.
Paid directors.

9. No person shall be elected a director of the Company unless he is a shareholder holding at least ten shares in the stock of the Company, and has paid up all calls made thereon and then due. Qualification of director.

10. The directors of the Company, under the authority of the shareholders to them given at any special general meeting called for the purpose in the manner hereinbefore mentioned, attended by shareholders in person or represented by proxy who represent at least two-thirds in value of the subscribed stock of the Company, and who have paid all calls due thereon, may issue bonds signed by the president or other presiding officer and countersigned by the secretary,—which counter-signature and the signature to the coupons attached to such bonds may be engraved; and such bonds may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest as the directors think proper. Issue of bonds.

2. The directors may issue and sell or pledge all or any of the said bonds, at the best price and upon the best terms and conditions which at the time they are able to obtain, for the purpose of raising money for prosecuting the said undertaking. Disposal of bonds.

3. The amount of such bonds so issued, sold or pledged, shall not exceed twenty thousand dollars per mile of the said railway and branches, to be issued in proportion to the length of railway constructed or under contract to be constructed, or acquired by purchase under this Act. Amount limited.

11. The Company may secure such bonds by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenditure of the railway. Mortgage deed to secure bonds.
Working expenditure.

Powers granted by deed.

2. By the said deed the Company may grant to the holders of such bonds, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the bondholders in manner and form as therein provided :

Validity of deed.

Deposit of deed.

3. Every such mortgage deed shall be deposited in the office of the Secretary of State of Canada,—of which deposit notice shall be given by the Company in the *Canada Gazette*.

Bonds to be a preferential claim on the undertaking.

12. The bonds hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the Company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section :

Bondholder to be a mortgagee.

2. Each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other bondholders; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

Powers of bondholders in case of non-payment.

13. If the Company makes default in paying the principal of or interest on any of the bonds hereby authorized at the time when the same, by the terms of the bond, becomes due and payable, then at the next annual general meeting of the Company, and at all subsequent meetings, all holders of bonds so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the Company to a corresponding amount :

Rights of bondholders defined.

2. The rights given by this section shall not be exercised by any bondholder unless it is so provided by the mortgage deed, nor unless the bond in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of voting thereon; and the Company shall be bound, on demand, to register such bonds, and thereafter any transfers thereof, in the same manner as shares or transfers of shares :

Registration of bonds.

Certain rights not affected.

3. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies

remedies to which the holders of the said bonds are entitled under the provisions of such mortgage deed.

14. All bonds hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Transfer of bonds.

15. The Company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars; and every such note or bill made, drawn, accepted or indorsed by the president or vice-president of the Company, and countersigned by the secretary, shall be binding on the Company; and every such note or bill of exchange so made, drawn, accepted or indorsed, shall be presumed to have been made, drawn, accepted or indorsed with proper authority until the contrary is shown; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible for the same, unless such promissory note or bill has been issued without proper authority; but nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

Promissory notes may be issued.

Notes not to be payable to bearer.

16. The directors of the Company elected by the shareholders may make and issue as paid up stock shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Paid up stock may be issued in certain cases.

17. The Company may also construct electric telegraph and telephone lines for the purposes of its undertaking in connection with the railway.

Telegraph and telephone lines.

18. All the lines to be constructed under this Act shall be commenced within two years and completed within four years from the passing of this Act; otherwise the powers hereby granted shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Limitation of time.



51 VICTORIA.

CHAP. 73.

An Act to incorporate the Annapolis Atlantic Railway Company.

[Assented to 22nd May, 1888.]

Preamble.

WHEREAS the construction and operation of a railway from a point in or near Annapolis, in the county of Annapolis, and Province of Nova Scotia, to Liverpool, in the county of Queen's, in the said Province, with a branch or branches from some point or points on the proposed line to Shelburne, Lockeport and Barrington, in the county of Shelburne, in the said Province, is desired, and would be for the general advantage of Canada; and whereas a petition has been presented praying for the incorporation of a Company for that purpose, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Robert G. Hervey, Brockville, railway manager, R. Bowie, Brockville, brewer, Chilion Jones, Brockville, civil engineer, John F. Wood, M.P., Brockville, barrister, James Irvine, New York, U.S.A., railway banker, Augustus Robinson, Annapolis, doctor of medicine, Christopher D. Pickels, Annapolis, merchant, Charles McCormick, Annapolis, merchant, Robert W. Freeman, Jordan River, timber merchant, John Bowers, Shelburne, trader, John M. Shand, Shelburne, manufacturer, S. T. R. Bill, Liverpool, merchant, Alfred W. Moren, Liverpool, merchant, Allen Tupper, Liverpool, merchant, together with such persons as, under the provisions of this Act, become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Annapolis Atlantic Railway Company," hereinafter called "the Company;" and the railway of the said Company, and the works hereby authorized are declared to be works for the general advantage of Canada.

Corporate name.

Declaratory.

Offices of the company.

2. The head office of the Company shall be in the town of Annapolis, Nova Scotia; but the board of directors may

establish one or more offices in other places in Canada or elsewhere.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in or near the town of Annapolis, in the county of Annapolis, to Liverpool, in the county of Queen's, and also a branch from a point in the county of Queen's, on the said line, to Shelburne and Sand Point, in the county of Shelburne, and also a branch from a point on the said branch line to Shelburne to Barrington and Lockeport, both in the said county of Shelburne.

Line of railway described.

4. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, of whom a majority shall be a quorum; and the said provisional directors shall hold office as such until the first election of directors under this Act, and may forthwith elect officers, open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed, and cause plans and surveys to be made, and deposit in any chartered bank of Canada moneys received by them on account of stock subscribed,—which moneys shall not be withdrawn except for the purposes of the undertaking, or upon the dissolution of the Company for any cause whatsoever.

Provisional directors and their powers.

Moneys deposited to be withdrawn for certain purposes only.

5. The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates hereby authorized; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of this Act.

Capital stock and shares.

6. So soon as two hundred and fifty thousand dollars of the said capital have been subscribed as aforesaid, and ten per cent. thereof paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at the city of Ottawa at such time and place as they think proper, giving at least fourteen days' notice thereof in the *Canada Gazette* and in one or more of the daily newspapers published in Nova Scotia,—at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them shall elect eleven directors from the shareholders possessing the qualifications hereinafter mentioned, of whom a majority shall form a quorum; and such directors shall hold office until the next annual general meeting of the shareholders, as hereinafter provided.

First meeting of shareholders.

Notice thereof.

Election of directors.

Annual general meeting.

7. The annual general meeting of the shareholders, for the election of directors and other general purposes, shall be held on the first Tuesday in May in each year, at the town of Annapolis aforesaid, or elsewhere in Canada, as may be appointed by by-law; and notice of the hour and place of such meeting shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more daily newspapers published in Nova Scotia.

Number of directors.

8. At such annual general meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose eleven persons to be directors of the Company, of whom a majority shall be a quorum, and one or more of whom may be paid directors of the Company.

Paid directors.

Qualification of director.

9. No person shall be elected a director of the Company unless he is a shareholder holding at least twenty shares in the stock of the Company, and has paid up all calls made thereon and then due.

Special general meetings.

10. Special general meetings of the shareholders of the Company may be held at such places in Canada and at such times and in such manner and for such purposes as may be provided by the by-laws of the Company, upon such notice as is provided for annual meetings.

Issue of bonds.

11. The directors of the Company, under the authority of the shareholders, to them given at any special general meeting called for the purpose in the manner hereinbefore mentioned, attended by shareholders in person or represented by proxy, who represent at least two-thirds in value of the subscribed stock of the Company, and who have paid all calls due thereon, may issue bonds signed by the president or other presiding officer and countersigned by the secretary,—which counter-signature and the signature to the coupons attached to such bonds may be engraved; and such bonds may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest as the directors think proper:

Disposal of bonds.

2. The directors may issue and sell or pledge all or any of the said bonds, at the best price and upon the best terms and conditions which at the time they are able to obtain, for the purpose of raising money for prosecuting the said undertaking:

Amount limited.

3. The amount of such bonds so issued, sold or pledged, shall not exceed twenty thousand dollars per mile of the said railway and branches, to be issued in proportion to the length of railway constructed or under contract to be constructed.

12. The Company may secure such bonds by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future or both, as are described in the said deed ; but such rents and revenues shall be subject in the first instance to the payment of the working expenditure of the railway :

Mortgage deed to secure bonds.

Working expenditure.

2. By the said deed the Company may grant to the holders of such bonds, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be ; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the bondholders in manner and form as therein provided :

Powers granted by deed.

Validity of deed.

3. Every such mortgage deed shall be deposited in the office of the Secretary of State of Canada,—of which deposit notice shall be given by the Company in the *Canada Gazette*.

Deposit of deed.

13. The bonds hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the Company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section :

Bonds to be a preferential claim on the undertaking.

2. Each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro ratâ* with all the other bondholders ; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

Bondholder to be a mortgagee.

14. If the Company makes default in paying the principal of or interest on any of the bonds hereby authorized at the time when the same, by the terms of the bond, becomes due and payable, then at the next annual general meeting of the Company, and at all subsequent meetings, all holders of bonds so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the Company to a corresponding amount :

Powers of bondholders in case of non-payment.

2. The rights given by this section shall not be exercised by any bondholder unless it is so provided by the mortgage deed, nor unless the bond in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of

Rights of bondholders defined.

Registration
of bonds.

voting thereon ; and the Company shall be bound on demand to register such bonds, and thereafter any transfers thereof, in the same manner as shares or transfers of shares :

Certain rights
not affected.

3. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds are entitled under the provisions of such mortgage deed.

Transfer of
bonds.

15. All bonds hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Promissory
notes may be
issued.

16. The Company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars ; and every such note or bill made, drawn, accepted or indorsed by the president or vice-president of the Company, and countersigned by the secretary, shall be binding on the Company ; and every such note or bill of exchange so made, drawn, accepted or indorsed, shall be presumed to have been made, drawn, accepted or indorsed with proper authority until the contrary is shown ; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible for the same, unless such promissory note or bill has been issued without proper authority ; but nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

Notes not to
be payable to
bearer.

Grants in aid
may be re-
ceived.

17. The Company may receive, in aid of the construction of the railway or any part thereof, from any person or body corporate, municipal or politic, who have power to grant the same, any bonus of money or debenture or other benefit of any sort, either with or without conditions, and may enter into an agreement for the carrying out of any such conditions or with respect thereto.

Paid up stock
may be issued
in certain
cases.

18. The directors of the Company elected by the shareholders may make and issue as paid up stock shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers ; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Allotment of
stock.

19. If more than the whole stock has been subscribed the provisional directors shall allocate and apportion it to the

extent of the authorized capital among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking.

20. The Company may also construct electric telegraph and telephone lines for the purposes of its undertaking in connection with the railway. Telegraph and telephone lines.

21. The Company may buy, build or charter, and when necessary sell and dispose of steam and other vessels, and operate and use the same in connection with the said railway for the purpose of carrying freight and passengers to such ports on the navigable waters of Canada, the United States, Great Britain and the West Indies as is found desirable, and shall be entitled to charge tolls or rates for passengers and freight carried on board such vessels. Powers of Company as to steam and other vessels.

22. The Company may enter into an agreement with the Windsor and Annapolis Railway Company, the Western Counties Railway Company, the Nova Scotia Central Railway Company, or the Midland and Great Western Railway Company, for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders called for the purpose of considering the same, on notice given in the manner hereinbefore mentioned,—at which meeting shareholders representing at least one-half in value of the stock are present in person or represented by proxy,—and that it has also been sanctioned by the Governor in Council : Agreement with another company.

2. Before such sanction by the Governor in Council is given, notice of the application therefor shall be published in the *Canada Gazette*, and in one newspaper in each of the counties through which the said railway runs, for at least two months prior to the time named in such notice for the making of such application; and such notice shall state a time and place when and where the application is to be made, and that all persons may then and there appear and be heard on such application. Sanction of shareholders and of Governor in Council.

23. The railway shall be commenced within three years and completed within six years from the passing of this Act; otherwise the powers hereby granted shall cease and be null and void as respects so much of the railway as then remains uncompleted. Limitation of time.



51 VICTORIA.

CHAP. 74.

An Act to incorporate the Chinook Belt and Peace River Railway Company.

[Assented to 4th May, 1888.]

Preamble.

WHEREAS the construction and operation of a railway is required from a point in or near Calgary, thence along Nose Creek to Section thirty-five, Township twenty-four, Range one, west of the fifth meridian, thence to Section fourteen, township twenty-five and same range, thence north-east to Rose Bud Creek, Section twenty-seven, Township twenty-seven, Range twenty-six, west of the fourth meridian, or from a point in or near Cheadle on the Canadian Pacific Railway in Section thirteen, Township twenty-four, Range twenty-six, west of the fourth meridian, thence to Rose-Bud Creek in Section twenty-seven, Township twenty-seven, Range twenty-six, west of the fourth meridian, or along both the said routes, thence north to the Red Deer River, in Section seventeen, Township thirty-eight, Range twenty-five, west of the fourth meridian, thence to Battle River in Section twenty-three, Township forty-three, Range twenty-five, west of the fourth meridian, thence to the North Saskatchewan River in Section twenty-three, Township fifty-two, Range twenty-five, west of the fourth meridian, or at or near Edmonton, thence north-west to and through the Peace River country to, at or near Dunvegan, on the Peace River, and thence along the southern boundary of the said river for about four hundred miles from Edmonton, with the privilege of deviating if necessary from such line a distance not exceeding five miles with the sanction of the Governor General in Council; and whereas a petition has been presented praying for the incorporation of a Company for that purpose, and it is expedient to grant in part the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Thomas Lailey, Alexander John McKay, John Hislop, Henry B. McKay, Charles Watson and Harry Webb, together

with such persons as, under the provisions of this Act, become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Chinook Belt and Peace River Railway Company," Corporate name. hereinafter called the Company.

2. The head office of the Company shall be in the city of Toronto; but the board of directors may establish one or more offices in other places in Canada or elsewhere. Offices of the company.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one half inches from a point in or near Calgary, thence along Nose Creek to Section thirty-five, Township twenty-four, Range one, west of the fifth meridian, thence to Section fourteen, township twenty-five and same range, thence north-east to Rose Bud Creek, Section twenty-seven, Township twenty-seven, Range twenty-six, west of the fourth meridian, thence north to the Red Deer River in Section seventeen, Township thirty-eight, Range twenty-five, west of the fourth meridian, thence to Battle River in Section twenty-three, Township forty-three, Range twenty-five, west of the fourth meridian, thence to the North Saskatchewan River in Section twenty-three, Township fifty-two, Range twenty-five, west of the fourth meridian, or at or near Edmonton, thence north-west to and through the Peace River country to, at or near Dunvegan on the Peace River, and thence along the southern boundary of the said river for about four hundred miles from Edmonton, with the privilege of deviating, if necessary, from such line a distance not exceeding five miles with the sanction of the Governor General in Council. Line of railway described. Deviation allowed.

4. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, of whom a majority shall be aquorum; and the said provisional directors shall hold office as such until the first election of directors under this Act, and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed, and cause plans and surveys to be made, and deposit in any chartered bank of Canada moneys received by them on account of stock subscribed,—which moneys shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the Company for any cause whatsoever. Provisional directors and their powers. Moneys deposited to be withdrawn for certain purposes only.

5. The capital stock of the Company shall be two million dollars, divided into shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates of the works hereby authorized; Capital stock and shares.

and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of this Act.

First meeting
of shareholders.

Notice there-
of.

Election of
directors.

Annual gen-
eral meeting.

Number of
directors.

Paid direc-
tors.

Qualification
of director.

Issue of
bonds.

6. So soon as five hundred thousand dollars of the said capital have been subscribed as aforesaid, and ten per cent. thereof paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at the city of Toronto at such time and place as they think proper, giving at least fourteen days' notice thereof in the *Canada Gazette* and in one or more of the daily newspapers published in Toronto,—at which meeting the shareholders, who have paid at least ten per cent. on the amount of stock subscribed for by them, shall elect seven directors from the shareholders possessing the qualifications hereinafter mentioned, of whom a majority shall form a quorum; and such directors shall hold office until the next annual general meeting of the shareholders, as hereinafter provided.

7. The annual general meeting of the shareholders, for the election of directors and other general purposes, shall be held on the first Wednesday in February in each year, at the city of Toronto or elsewhere in Canada, as may be appointed by by-law; and notice of the hour and place of such meeting shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more daily newspapers published in Toronto.

8. At such annual general meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose seven persons to be directors of the Company, of whom a majority shall be a quorum, and one or more of whom may be paid directors of the Company.

9. No person shall be elected a director of the Company unless he is a shareholder holding at least twenty shares in the stock of the Company, and has paid up all calls made thereon and then due.

10. The directors of the Company, under the authority of the shareholders to them given at any special general meeting, called for the purpose in the manner hereinbefore mentioned, attended by shareholders in person or represented by proxy, who represent at least two-thirds in value of the subscribed stock of the Company, and who have paid all calls due thereon, may issue bonds signed by the president or other presiding officer and countersigned by the secretary,—which counter-signature and the signature to the coupons attached to such bonds may be engraved; and such bonds may be made payable at such times and in such manner, and at such place or places in Canada or

elsewhere, and may bear such rate of interest as the directors think proper :

2. The directors may issue and sell or pledge all or any of the said bonds, at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking :

Disposal of bonds.

3. The amount of such bonds so issued, sold or pledged, shall not exceed twenty thousand dollars per mile of the said railway and branches, to be issued in proportion to the length of railway constructed or under contract to be constructed.

Amount limited.

11. The Company may secure such bonds by a mortgage deed, creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future or both, as are described in the said deed ; but such rents and revenues shall be subject in the first instance to the payment of the working expenditure of the railway :

Mortgage deed to secure bonds.

Working expenditure.

2. By the said deed the Company may grant to the holders of such bonds, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be ; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the bondholders in manner and form as therein provided :

Powers granted by deed.

Validity of deed.

3. Every such mortgage deed shall be deposited in the office of the Secretary of State of Canada,—of which deposit notice shall be given by the Company in the *Canada Gazette*.

Deposit of deed.

12. The bonds hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the Company and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section :

Bonds to be a preferential claim on the undertaking.

2. Each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other bondholders ; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

Bondholder to be a mortgagee.

13. If the Company makes default in paying the principal of or interest on any of the bonds hereby authorized at the time when the same, by the terms of the bond, becomes due and payable, then at the next annual general

Powers of bondholders in case of non-payment.

meeting of the Company, and at all subsequent meetings, all holders of bonds so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders, if they held fully paid-up shares of the Company to a corresponding amount :

Right of
bondholder
defined.

2. The rights given by this section shall not be exercised by any bondholder unless it is so provided by the mortgage deed, nor unless the bond in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of voting thereon ; and the Company shall be bound on demand to register such bonds, and thereafter any transfers thereof, in the same manner as shares or transfers of shares :

Registration
of bonds.

Certain rights
not affected.

3. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds are entitled under the provisions of such mortgage deed.

Transfer of
bonds.

14. All bonds hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Promissory
notes may be
issued.

15. The Company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars ; and every such note or bill made, drawn, accepted or indorsed by the president or vice-president of the Company, and countersigned by the secretary shall be binding on the Company ; and every such note or bill of exchange so made, drawn, accepted or indorsed, shall be presumed to have been made, drawn, accepted or indorsed with proper authority until the contrary is shown ; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible for the same, unless such promissory note or bill has been issued without proper authority ; but nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

Notes not to
be payable to
bearer.

Grants in aid
may be re-
ceived.

16. The Company may receive, in aid of the construction of the railway or any part thereof, from any person or body corporate, municipal or politic, who have power to grant the same, any bonus of land or money or debenture or other benefit of any sort, either with or without conditions, and

may enter into an agreement for the carrying out of any such conditions or with respect thereto.

17. The directors of the Company elected by the shareholders may make and issue as paid up stock shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Paid up stock may be issued in certain cases.

18. The Company may also construct electric telegraph and telephone lines for the purposes of its undertaking in connection with the railway.

Telegraph and telephone lines.

19. The Company may enter into an agreement with the Canadian Pacific Railway Company, for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders called for the purpose of considering the same, on notice given in the manner hereinbefore mentioned,—at which meeting shareholders representing at least one-half in value of the stock are present in person or represented by proxy,—and that it has also been sanctioned by the Governor in Council:

Agreement with another company.

Sanction of shareholders and of Governor in Council.

2. Before such sanction by the Governor in Council is given, notice of the application therefor shall be published in the *Canada Gazette*, and in one newspaper in each of the counties through which the said railway runs, for at least two months prior to the time named in such notice for the making of such application; and such notice shall state a time and place when and where the application is to be made, and that all persons may then and there appear and be heard on such application.

Notice of application for sanction.

20. The railway shall be commenced within two years and completed to Edmonton within five years, and the remainder of the road within seven years, from the passing of this Act; otherwise the powers hereby granted shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Limitation of time.

21. This Act shall not come into operation until a date to be named in a proclamation which may be issued by order

When Act shall take effect.

When pro-
clamation
may issue.

of the Governor in Council if he shall be satisfied that on the first day of August next, the work of constructing the Alberta and Athabasca Railway authorized to be built by the Act passed in the session held in the forty-eighth and forty-ninth years of the reign of Her Majesty and chaptered eighty-eight, is not being actively prosecuted, or if the work of constructing the said railway is not, from time to time, being proceeded with in such a manner as to secure the completion to his satisfaction of fifty miles thereof on or before the first day of November next.

OTTAWA: Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 75.

An Act respecting the Thousand Islands Railway Company.

[Assented to 22nd May, 1888.]

WHEREAS the Thousand Islands Railway Company, a Preamble,
Company incorporated by the Legislature of the Province of Ontario, by an Act passed in the thirty-fourth year of Her Majesty's reign, chapter forty-six, as amended by an Act passed in the forty-seventh year of Her Majesty's reign, chapter sixty-seven, has, by its petition, prayed to be declared a work for the general advantage of Canada and subject to the legislative authority of the Parliament of Canada, and also that the Gananoque, Perth and James' Bay Railway Company may be merged, as hereinafter set forth, in the said Thousand Islands Railway Company; and whereas the said Gananoque, Perth and James' Bay Railway Company has, by its petition, prayed to be so merged in the said Thousand Islands Railway Company; and whereas it is expedient to grant the prayer of the said petitions: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Gananoque, Perth and James' Bay Railway Company is hereby declared to be merged, subject to the provisions hereinafter contained, in the Thousand Islands Railway Company; and the railways of the said Company, and the works hereby authorized, are declared to be works for the general advantage of Canada: Companies amalgamated.
Declaratory.

2. Whenever the expression the Company is used in this Act it means "The Thousand Islands Railway Company:" Interpretation.

3. All the rights, claims, property, estates, grants, moneys and effects of each of the said companies shall be vested in the Company which is hereby declared to be a body corporate and politic within the jurisdiction of the Parliament of Canada for all and every the purposes mentioned in, and with all and every the franchises, rights, powers, privileges and authorities conferred upon it by virtue of sections thirty-three and thirty-five of the first above cited Act, and sections Rights, &c., vested in company.

eighteen, twenty, twenty-one and twenty-two, and schedules A and B of the second above cited Act.

As to grants
voted by Par-
liament.

4. All grants heretofore voted to the Gananoque, Perth and James' Bay Railway Company by the Parliament of Canada may be paid to the Company, subject to the provisions of the Acts relating to such grants :

As to claims
and pending
suits.

5. The Company shall be liable for all liens and claims against the Gananoque, Perth and James' Bay Railway Company; and all actions, suits and proceedings by or against the said the Gananoque, Perth and James Bay Railway Company, may be continued by or against the Company.

Offices of the
company.

2. The head office of the Company shall be in the village of Gananoque or such other place as the directors from time to time determine by by-law; but the board of directors may establish one or more offices in other places in Canada or elsewhere.

Line of rail-
way describ-
ed.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point on the line of the present railway of the Company at or near Gananoque Junction in the county of Leeds, in the Province of Ontario, thence by the way of the town of Perth, in the Province aforesaid, to some point at or near the shore of James' Bay, with a branch or branches from some point or points on the said projected line to Ottawa, by way of Smith's Falls or Merrickville, following such general courses and direction as to them appear advisable; and the Company may also construct branch lines from any point at or between the terminal points of the said railway, for the purpose of connecting the said railway with any mine or mines in the counties of Lanark, Leeds, Frontenac or Renfrew, and all the provisions of this Act relating to the issue of mortgage bonds on the security of the said main line shall apply to such branch lines as fully and amply as they apply to the said main line.

Provisions as
to bonds to
apply to
branches.

Capital stock.

4. The capital stock of the Company shall be and is hereby increased to one million dollars, divided into shares of one hundred dollars each.

Annual gen-
eral meeting.

5. The annual general meeting of the shareholders of the Company, for the election of directors and other general purposes, shall hereafter be held on the first Wednesday in March in each year, at the village of Gananoque or elsewhere in Canada, as may be appointed by by-law; and notice of the hour and place of such meeting shall be given at least fourteen days' previously in the *Canada Gazette*, and in one or more newspapers published in the said village of Gananoque; and until the next annual meeting of the Company, the present directors thereof are hereby declared to be the directors of the Company.

Directors con-
tinued in
office.

6. At such annual meeting the shareholders of the Company who have paid all calls due on their shares shall choose seven persons to be directors of the Company, of whom a majority shall be a quorum, and one or more of whom may be paid directors of the Company.

Election of directors.

Paid directors.

7. All shareholders in the Company, whether British subjects or aliens, or resident in Canada or elsewhere, shall have equal rights to hold stock in the Company and to vote on the same, and shall be eligible to office in the Company.

Equal rights of shareholders.

8. No person shall hereafter be elected a director of the Company unless he is a shareholder holding at least twenty shares in the stock of the Company, and has paid up all calls made thereon and then due.

Qualification of director.

9. The directors of the Company, under the authority of the shareholders to them given at any special general meeting, called for the purpose in the manner hereinbefore mentioned, attended by shareholders in person or represented by proxy, who represent at least two-thirds in value of the subscribed stock of the Company, and who have paid all calls due thereon, may issue bonds signed by the president or other presiding officer and countersigned by the secretary,—which counter-signature and the signature to the coupons attached to such bonds may be engraved; and such bonds may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest as the directors think proper:

Issue of bonds.

2. The directors may issue and sell or pledge all or any of the said bonds, at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking:

Disposal of bonds.

3. The amount of such bonds so issued, sold or pledged, shall not exceed twenty thousand dollars per mile of the said railway and branches, to be issued in proportion to the length of railway constructed or under contract to be constructed.

Amount limited.

10. The Company may secure such bonds by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenditure of the railway:

Mortgage deed to secure bonds.

Working expenditure.

2. By the said deed the Company may grant to the holders of such bonds, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the

Powers granted by deed.

Validity of deed.

bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the bondholders in manner and form as therein provided :

Deposit of deed.

3. Every such mortgage deed shall be deposited in the office of the Secretary of State of Canada,—of which deposit notice shall be given by the Company in the *Canada Gazette*.

Bonds to be a preferential claim on the undertaking.

11. The bonds hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the Company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section :

Bondholder to be a mortgagee.

2. Each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other bondholders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

Powers of bondholders in case of non-payment.

12. If the Company makes default in paying the principal of or interest on any of the bonds hereby authorized at the time when the same, by the terms of the bond, becomes due and payable, then at the next annual general meeting of the Company, and at all subsequent meetings, all holders of bonds so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid-up shares of the Company to a corresponding amount :

Rights of bondholders defined.

2. The rights given by this section shall not be exercised by any bondholder unless it is so provided by the mortgage deed, nor unless the bond in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of voting thereon ; and the Company shall be bound on demand to register such bonds, and thereafter any transfers thereof, in the same manner as shares or transfers of shares :

Registration of bonds.

Certain rights not affected.

3. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds are entitled under the provisions of such mortgage deed.

Transfer of bonds, &c.

13. All bonds hereby authorized may be made payable to bearer, and shall, in that case, be transferable by delivery, until registration thereof as hereinbefore provided, and while so

registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

14. The Company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars; and every such note or bill made, drawn, accepted or indorsed by the president or vice-president of the Company, and countersigned by the secretary, shall be binding on the Company; and every such note or bill of exchange so made, drawn, accepted or indorsed, shall be presumed to have been made, drawn, accepted or indorsed with proper authority until the contrary is shown; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible for the same, unless such promissory note or bill has been issued without proper authority; but nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

Promissory notes may be issued.

Notes not to be payable to bearer.

15. The Company may receive, in aid of the construction of the railway or any part thereof, from any person or body corporate, municipal or politic, who have power to grant the same, any bonus of money or debenture, or other benefit of any sort, either with or without conditions, and may enter into an agreement for the carrying out of any such conditions or with respect thereto.

Grants in aid may be received.

16. The directors of the Company elected by the shareholders may make and issue, as paid up stock, shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Paid up stock may be issued in certain cases.

17. The Company may also construct electric telegraph and telephone lines for the purposes of its undertaking in connection with the railway.

Telegraph and telephone lines.

18. The Company may enter into an agreement with the Ontario Pacific Railway Company, the Ontario and Quebec Railway Company, the Brockville, Westport and Sault Ste. Marie Railway Company, or the Grand Trunk Railway Company of Canada, for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery, and other property to it belonging, or for an amalgamation with such company, on such

Agreement with another company.

Sanction of
shareholders
and of Gover-
nor in Coun-
cil.

terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit ; provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders called for the purpose of considering the same, on notice given in the manner hereinbefore mentioned,—at which meeting shareholders representing at least one-half in value of the stock are present in person or represented by proxy,—and that it has also been sanctioned by the Governor in Council :

Notice of ap-
plication for
approval of
Governor in
Council.

2. Before such sanction by the Governor in Council is given, notice of the application therefor shall be published in the *Canada Gazette*, and in one newspaper in each of the counties through which the said railway runs, for at least two months prior to the time named in such notice for the making of such application ; and such notice shall state a time and place when and where the application is to be made, and that all persons may then and there appear and be heard on such application.

Limitation of
time.

19. The extension of the railway hereby authorized shall be commenced within three years and completed within eight years from the passing of this Act ; otherwise the powers hereby granted shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Railway Act
to apply.

20. "*The Railway Act*," and any amendments thereto shall apply to the Company and the railway of the Company instead of "*The Railway Act of Ontario*," where not inconsistent with the special provisions of this Act, or the special provisions of the several sections of the said Acts preserved in force by sub-section three of section one of this Act, and set forth in the schedule hereto.

47 V., c 83,
repealed.

21. Subject to the provisions of this Act, the Act incorporating the Gananoque, Perth and James' Bay Railway Company passed in the forty-seventh year of Her Majesty's reign, chaptered eighty-three, is hereby repealed.

SCHEDULE.

STATUTES OF THE PROVINCE OF ONTARIO.

34 Victoria, Chapter 46.

An Act to incorporate the Gananoque and Rideau Railway Company.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS the parties firstly hereinafter named have petitioned the Legislature for an Act of incorporation to construct a railway from the village of Gananoque, on

the River Saint Lawrence, to the Grand Trunk Railway, and thence to the village of Merrickville on the Rideau Canal, with a branch to the village of Westport; and whereas it is expedient that the prayer of said petition shall be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That Charles B. Chrysler, Samuel McCammon, David Ford Jones, Reuben P. Colton, William Byers, W. G. Matthews, Jesse Strenden, William Brough, Robert Byers, J. Skinner, Charles M. Parmeter, George Beaumont, Sylvester Skinner, A. Skinner, S. C. Skinner, William B. Carroll, John Ormiston, together with such other persons or corporation or corporations as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic by and under the name of the "Gananoque and Rideau Railway Company."

Incorporation.

Corporate name.

2. The several clauses of the Railway Act, with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses of the said Act with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their valuation," "Highways and bridges," "Fences," "Tolls," "General meetings," "President and directors, their election and duties," "Calls," "Shares and their transfer," "Municipalities," "Shareholders," "Actions for indemnity, and fines and penalties, and their prosecution," "Notices, &c.," "Working of the Railway," and "General Provisions," shall be incorporated with this Act; and the expression "this Act," when used herein, shall be held and understood to include the clauses incorporated with this Act, save and except in so far as they are varied by any of the provisions of this Act.

Certain clauses of Railway Act incorporated with this Act.

Interpretation of the words "this Act."

3. The Company hereby incorporated, and their agents or servants, shall have full power and authority under this Act, to lay out, construct and finish a railway from such point within the limits of the village of Gananoque, on the River Saint Lawrence, as to the directors of the Company may appear expedient; thence in the direction of the Grand Trunk Railway, so as to secure a favourable connection with the said railway, at some convenient point within the limits of the townships of the front of Leeds and Lansdown; thence through the townships of the front of Leeds and Lansdown, the townships of the rear of Leeds and Lansdown, the township of South Crosby, the township of Bastard, the township of Ketley, the township of Walford, to the village of Merrickville, on the Rideau Canal, in the township of Walford, with a branch road to the village of Westport, in the township of North Crosby, from such point in the township of South Crosby or Bastard, as may be deemed advisable; and the said Company shall

Construction of railway.

have power and authority to construct the same in different sections, in such order as they see fit, keeping in view the general direction as hereinbefore provided, and with full power to pass over any portion of the country between the points aforesaid, and to carry said railway through the Crown lands lying between the points aforesaid; and it shall and may be lawful for the said Company to take and appropriate for the use of the said railway, and the works connected therewith, but not to alienate, so much of the land covered with the waters of any river or stream as may be necessary for the works of the said railway.

Gauge of railway.

4. The gauge of said railway shall be such as the directors in their discretion may determine upon, but not less than three feet, with power to lay down a third or more rails, as they may think proper.

Capital stock
\$250,000.

5. The capital stock of the said Company shall be two hundred and fifty thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into five thousand shares of fifty dollars each,

Shares \$50 each.

—which amount shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the said stock; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the railway; and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said railway, and other purposes of this Act: Provided always, that until the said preliminary expenses shall be paid out of the capital stock, it shall be lawful for the municipality of any county, town, village or township, to pay out of the funds of such municipality, either by way of bonus or donation, or by way of loan to the said Company, such preliminary expenses or any part thereof, as to the council of such municipality may appear expedient; and in the case of a loan, any sum thus advanced shall be refunded to the municipality from the stock of the said Company, or shall be allowed in payment of any stock or bonus, which may be subscribed for by such municipality.

Expenses of Act

Preliminary expenses.

Provisional directors.

6. That Charles B. Chrysler, Samuel McCammon, David Ford Jones, Reuben P. Colton, William Byers, W. G. Matthews, Jesse Strenden, William Brough, Robert Byers, J. Skinner, Charles M. Parmeter, George Beaumont, Sylvester Skinner, shall be and are hereby constituted a board of provisional directors of the said Company

Powers of provisional directors.

7. The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the Company with power to fill vacancies occurring thereon; to associate with themselves thereon not more than two other persons, who, upon being so named, shall become and be directors of the Company equally with

themselves,

themselves; to open stock books and procure subscriptions of stock for the undertaking; to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided; and with all such other powers as under the Railway Act are vested in such boards; the said directors or a majority of them may, in their discretion, exclude any person from subscribing who, in their judgment, would hinder, delay, or prevent the Company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said provisional directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if in their judgment this will be best to secure the building of the said railway.

Provisional directors may exclude certain persons from subscribing.

8. As soon as shares to the amount of twenty-five thousand dollars of the capital stock of the said Company shall have been subscribed, and ten per centum thereof paid into some chartered bank, having an office in the town of Brockville, or in the city of Kingston, (which shall on no account be withdrawn therefrom unless for the service of the Company,) the directors shall call a general meeting of the subscribers to the said capital stock who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said Company, giving at least one month's notice in two or more newspapers published in the county of Leeds, of the time and place of such meeting; and at such general meeting the shareholders present, either in person or by proxy, who shall have paid ten per centum upon the stock subscribed by them, shall elect nine persons to be directors of the said Company, in the manner and qualified as hereafter provided; which said directors, together with the *ex officio* directors under the "Railway Act," shall constitute a board of directors and shall hold office until the fourth Wednesday in January in the year following their election.

General meeting for election of directors.

Nine persons to be elected.

9. On the said fourth Wednesday in January, and on the fourth Wednesday in January in each year thereafter, there shall be holden a general meeting of the shareholders of the said Company,—at which meeting the shareholders shall elect nine directors for the ensuing year in the manner and qualified as hereinafter provided, unless said number be increased or diminished as hereinafter mentioned; and public notice of such annual general meeting and election, and of the time and place at which such meeting shall be held, shall be published for at least one month before the day of election in two or more newspapers published in the county of Leeds; and all the elections for directors shall be by ballot; and the persons so elected, together with the

Annual meeting.

Public notice

Election by ballot.

	<i>ex officio</i> directors under the "Railway Act," shall form the board of directors.
Changing the number of directors.	10. The said Company shall have power to pass a by-law, at a general meeting of the stockholders called for the purpose, to increase or diminish the number of directors of said Company : Provided, that the said number of directors shall not be increased beyond sixteen or diminished to a less number than three.
Special general meetings.	11. Special general meetings of the shareholders of the said Company may be held at such place, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of said Company.
Qualification of directors.	12. In the election of directors under this Act, no person shall be elected a director unless he shall be a holder and owner of at least ten shares of the stock of the said Company, upon which all calls have been paid up.
Directors representing municipalities.	13. The provisional or other directors of the said Company are hereby authorized to constitute the head of any municipality, subscribing for stock or granting a bonus, an <i>ex officio</i> director in said Company, should the amount of aid granted by said municipality be sufficient in the discretion of said directors to entitle the said municipality to a representation on said board of directors.
Scale of votes.	14. In the election of directors under this Act, and in the transaction of all business at general shareholders' meetings, each shareholder shall be entitled to vote either in person or by proxy, and shall be entitled to as many votes as he holds shares ; but no shareholder shall be entitled to vote, in person or by proxy, at any such meeting, or at any special meeting of the shareholders of the said Company, who shall not have paid at least ten per centum on each share held or owned by him or her in the capital stock of said Company, and all calls due upon his or her stock at the time of such election or meeting.
Representation of municipal corporations.	15. At all meetings of the Company, the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by by-law ; and such persons shall, at such meeting, be entitled equally with other shareholders to vote by proxy.
Quorum of directors.	16. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business, unless the number necessary to constitute such quorum be increased or reduced by a by-law passed at a general meeting of the stockholders ; and the said board of directors may employ one or more of their number as paid director or directors
Subscriptions for shares.	17. The said directors are hereby authorized and empowered to take all necessary steps for procuring subscriptions for shares in the stock books of the Company from parties desirous of becoming shareho in the said Company,

pany, until the whole of the capital stock authorized by this Act shall have been taken up; and to make, execute and deliver all such scrip and share certificates as to the said directors shall seem expedient.

18. The directors may, at any time, call upon the shareholders for instalments upon each share which they or any of them may hold in the capital stock of the said Company, in such proportion as they may see fit: Provided, that no such call or instalment shall exceed the sum of ten dollars per centum upon the amount subscribed for by the respective shareholders in the said Company, and that the amount of any such calls in any one year shall not exceed fifty dollars per centum upon the stock so subscribed: Provided also, that upon the occasion of any person or corporation becoming a subscriber for stock in the said Company, it shall and may be lawful for the provisional and other directors of the said Company, for the time being, to demand and receive, to and for the use of the said Company, the sum of ten dollars per centum upon the amount by such person or corporation respectively subscribed, and also the amount of such calls as shall have already been made payable in respect of the stock then already subscribed at the time of such person or corporation respectively subscribing for stock; and all persons subscribing to the capital stock of the said Company shall be considered proprietors and partners in the same, but shall be liable only to the extent of their unpaid stock therein.

Calls on shares.

Proviso.

Proviso.

19. The shares of the capital stock of the said Company shall be transferable, and may, from time to time, be transferred to others by the respective holders and owners thereof: Provided always, that the original subscribers, or any future transferrer, and the transferee, shall be always held personally liable to the said Company and to the creditors thereof for all or any part of the sums unpaid on such shares by the transferrer or original subscriber subscribed, and for all calls thereon, whether made before or after any such transfer; and in any action brought for the recovery of any call or calls upon such stock, the said Company may sue the original subscriber or the person or persons to whom the same may have been transferred, as the said directors may elect: and failing to secure payment, may enter an action against, and may receive from the original subscriber any unpaid calls on such stock, together with the costs of any previous actions in which the Company may have recovered judgment against any other of the parties liable for such calls.

Shares transferable.

Liability of shareholders and transferees.

20. And it shall further be lawful for any municipality through any part of which or near which the railway or works of said Company shall pass or be situated, to aid or assist the said Company by loaning or guaranteeing or giving money by way of bonus or other means to the Company; and by purchasing and granting to the said Company the

Municipalities may aid by bonus.

land for the right of way, station grounds, gravel pits and workshops, and otherwise in such manner and to such extent as such municipal corporation or corporations, or any of them, may think expedient; or issuing municipal bonds to or in aid of the Company or for all or any of the hereinbefore mentioned purposes, subject to such restrictions and conditions as may be mutually agreed on between such municipality and the directors of the railway,—such directors and the council of such municipality being respectively authorized to make such agreements as may be necessary for the purpose: Provided always, that such aid, loan, bonus or guarantee shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the “Municipal Institutions Act” of one thousand eight hundred and sixty-six, and chaptered fifty-one; and all such by-laws so passed shall be valid, notwithstanding that such rate may exceed the aggregate rate of two cents in the dollar on the actual value of such ratable property: Provided that the annual rate of assessment shall not in any case exceed, for all purposes, three cents in the dollar on the assessed value of the whole ratable property within the municipality, or portion of a municipality, creating such debt.

Provided the by-laws be passed in conformity with municipal Act.

Bonus may be expended within the limits of the municipality granting the same.

21. Whenever any municipality, or portion of a municipality, shall grant a bonus to aid the making, equipment, and completion of said railway, it shall be lawful for said Company to enter into a valid agreement with such municipality, binding said Company to expend the whole of such bonus upon works of construction within the limits of the municipality granting the same, or upon such other portion of the works as may be agreed to by said municipality:

If portion of municipality desire to aid, Council to pass a by-law.

22. In case a majority of the persons rated on the last assessment roll as freeholders, in any portion of a town, township, or village municipality, do petition the council of such municipality (the said petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated), and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus or donation to the said Company for this purpose, and stating the amount which they so desire to give and grant, and to be assessed therefor, the council of such municipality shall pass a by-law: Provided the said by-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven and two hundred and twenty-eight of the “Municipal Act” of one thousand eight hundred and sixty-six, chaptered fifty-one, by the majority of qualified electors in the portion of the municipality petitioning as aforesaid:

Proviso.

For issuing debentures.

(1). For raising the amount so petitioned for by the freeholders in such portion of the municipality, by the issue

of the debentures of the municipality, payable within twenty years, or sooner, and for the payment to the said Company of the amount of said bonus or donation at the time and on the terms specified in said petition ;

(2.) For assessing and levying upon all the ratable property lying within the section referred to by said petitioners an annual special rate sufficient to include a sinking fund for the repayment of debentures, with the interest thereon, which municipal councils are hereby authorized to execute and issue in such cases respectively ; and no by-law made in pursuance of the powers in this Act conferred shall be invalid merely by reason of any want of compliance with the said sections : Provided such by-laws shall have been approved of by a majority of the persons voting and qualified to vote on such by-law, and shall settle such sufficient and special rates in the manner required by said sections.

For levying an annual special rate.

Proviso.

23. Whenever any municipality, or portion of a municipality, shall grant a bonus or authorize the issue of bonds or debentures to aid the said Company in the making, equipment and completion of the said railway, the debentures therefor may, at the option of the municipality within six weeks after the passing of the by-laws authorizing the same, be delivered to three trustees, to be named one by the Lieutenant Governor in Council, one by the said Company and one by the Warden of the united counties of Leeds and Grenville : said trustees to be residents in the united counties of Leeds and Grenville : Provided, that if the Lieutenant Governor in Council shall refuse or neglect to name such trustee within one month from notice to him in writing of the appointment of the two trustees, the said Company shall be at liberty to name one in the place of the one to have been named by the Lieutenant Governor in Council.

Debentures to be held by trustees.

How trustees to be appointed.

Proviso.

24. That before the election of the directors by the shareholders, the necessary by-laws to grant such aid as aforesaid to the Company, may be passed, the debentures issued, and the agreement entered into between the Company (by the provisional directors) and the said municipalities, relative to depositing such debentures in the hands of some party, to be by him handed over to the trustees when appointed under this Act, and as to the mode of their conversion into cash and the delivery of the said cash or the debentures themselves to the Company,—such agreement containing such other terms as may be agreed upon for the protection of both the municipalities and the Company and the party or parties who may hold the debentures or money.

By-laws to aid may be passed and the debentures may be issued before the election of directors.

25. Any municipal corporation, which shall aid the Company by grant of a bonus or otherwise, may, before the debentures or bonus for such aid shall be delivered to the said trustees, require from the directors for the time being, an agreement which shall specify the stipulations and

Municipality may agree with company as to expenditure of bonus.

conditions under which the moneys arising from the sale of the debentures or bonds issued by such corporation shall be applicable for the purposes of the railway; and when the said moneys shall become payable, pursuant to such agreement, the same shall be paid by the trustees to the Company, upon the certificate of the Chief Engineer of the railway, in the form of Schedule "B" of this Act; and the wrongfully granting any such certificate by such engineer shall be a misdemeanor, punishable by fine and imprisonment by any court of competent jurisdiction.

Appointment
of new trustees.

26. Any trustee appointed may be removed, and a new trustee appointed in his place, at any time, by the consent of the Lieutenant Governor in Council, the said warden, and the said Company.

Trusts on
which the de-
bentures are
to be held.

27. The said trustees shall receive the said bonds, debentures or other securities, and any coupons or interest warrants attached thereto, in trust: firstly, to deposit the same and the interest thereon, from time to time accruing, before the sale thereof, in any chartered bank having an office in the county of Leeds or city of Kingston, in the name of "The Gananoque and Rideau Railway Company Municipal Trust Fund Account," and upon notice to them to be given by the Company, before the completion of the work to which the proceeds of any particular bonds or debentures shall be applicable, to convert such particular securities into money: secondly, to deposit the proceeds of such securities in the name of said account, and to pay the same to the Company upon the certificate of the chief engineer, and such certificate shall be attached to the cheques drawn by the trustees; and thirdly, in the event of the non-fulfilment of the agreement entered into between the Company and any municipal corporation within the time limited, to return the said securities to such corporation: Provided that the Company, if it so elect, having given notice of such, its election, may, upon the completion of any work in respect of which any bonds or debentures shall be applicable, demand and receive the said bonds or debentures from the trustees in lieu of the proceeds thereof.

Proviso.

Act of two
trustees to be
binding.
Company
may take
lands for
railway.

28. The act of any two such trustees to be as valid and binding as if the three had agreed.

29. It shall and may be lawful for the said Company, their servants, agents and workmen, to enter into and upon any lands of Her Majesty, or of any person or persons, body politic or corporate whatsoever, and to take and hold the same, for the purpose of procuring and taking gravel and ballast required for the constructing, maintaining or repairing the said railway and works thereunto belonging, whether such lands be delineated or set out in the plans or in the book of reference filed in pursuance of the provisions of "The Railway Act" or not; and to lay down a track and acquire the right of way from their main line of railway to the said gravel or ballast so required for the pur-

poses of the Company as aforesaid: Provided always, that the said Company shall make compensation to the owner, or owners, of any such lands so taken or used, in the manner pointed out in the provisions of "*The Railway Act*" relating to lands and their valuation. Proviso.

30. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note or any such bill of exchange drawn or accepted or indorsed by the president or vice-president of the Company, and countersigned by the secretary and treasurer of the said Company, shall be binding on the said Company; and the said president, vice-president, or the secretary or treasurer, shall not be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said Company to issue notes or bills of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank. Company may make promissory notes, &c.

31. It shall be lawful for the directors of the said Company for the time being, to make, execute and deliver all such bonds, debentures, mortgages or other securities as to the said directors for the time being shall, from time to time, seem most expedient, for raising the necessary capital for the time being authorized to be raised by the said Company, or for raising any part thereof; the said bonds, debentures and mortgages not to exceed in amount the paid up stock of the Company, and the municipal or other bonuses expended upon such railway; and all such bonds, debentures, mortgages or other securities shall without registration or formal conveyance be taken to be the first and preferential claims and charges upon the undertaking and the property of the Company, real and personal, then existing and at any time thereafter acquired; and each holder of the said securities shall be deemed a mortgagor and incumbrancer *pro ratâ* with all the other holders thereof upon all property of the Company aforesaid: Provided that the Company may issue bonds or debentures, for any sum hereby authorized, in such manner and form as to constitute the same a first mortgage or charge upon any portion of said railway. Directors may issue bonds.

32. All bonds, debentures and other securities shall be executed by the president, for the time being, of the Company, and countersigned by the secretary, and may be made payable to bearer; and all such bonds, debentures and other securities of the said Company, and all dividends and interest warrants thereon, respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being in their Proviso.

- Proviso.** names : Provided always that no such debentures shall be issued for an amount less than one hundred dollars.
- Form of conveyances.** 33. Deeds and conveyances under this Act for the lands to be conveyed to the said Company for the purposes of the Act, shall and may, as far as the title of the said lands or circumstances of the parties making such conveyance will admit, be made in the form given in the schedule of this Act marked "A," and all registrars are hereby required to register in the registry books such deeds on the production thereof and proof of execution, without any memorial and to minute every such entry on the deed; the said Company are to pay the registrar for so doing the sum of two shillings and sixpence, and no more.
- Registration of conveyances.**
- Agreements with other companies.** 34. It shall be lawful for the said Company to enter into any agreement with any other railway company in the Dominion of Canada for leasing the said railway, or any part thereof, or the use thereof at any time or times, or for any period to such other company; or for leasing or hiring from such other company any railroad or part thereof, or for the use thereof; or for the leasing or hiring any locomotives, tenders, or movable property; and generally to make any agreement or agreements with any such other company touching the use by one or the other, or by both companies, of the railway or movable property of either or of both, or of any part thereof; or touching any service to be rendered by the one company or the other, and the compensation therefor; or such other railway company may agree for the loan of its credit to, or may subscribe to, and become the owner of the stock of the railway company hereby created, in like manner and with like rights as individuals, but in so far only as the powers hereby conferred may be construed to have reference to any act, deed, matter or thing to be done, executed, fulfilled or performed within the limits of the Province of Ontario to the other, and compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in the charter conferred.
- Powers as to steamboats and vessels.** 35. The said Company shall have power to purchase, build, complete, fit out and charter, sell or dispose of, work and control and keep in repair steam or other vessels, to ply on the Rideau Canal waters and on the River Saint Lawrence, in connection with the said railway; and also to make arrangements and agreements with steamboat proprietors to run steamers or other vessels on the said Rideau Canal waters or the River Saint Lawrence.

SCHEDULE A.

Know all men by these presents that I (*insert the name of the wife also, if she is to release her dower, or for any other purpose to join the conveyance*), in consideration of paid to me (*or as the case may be*) by the Gananoque and Rideau Railway Company, the receipt whereof is hereby acknowledged, do hereby grant, sell and confirm unto the said the Gananoque and Rideau Railway Company, their successors and assigns, all that certain parcel of land, being and composed of (*describe the land*) to have and to hold the said land and premises, together with everything appertaining thereto, to the said the Gananoque and Rideau Railway Company, their successors and assigns forever (*if dower released add*), and I (*name the wife*) release my dower in the premises.

Witness hand and seal, this day
of , one thousand eight hundred and .
Signed, sealed and delivered }
in presence of }

[L.S.]

SCHEDULE B.

CHIEF ENGINEER'S CERTIFICATE.

Gananoque and Rideau Railway Company.

I, A.B., chief engineer for the Gananoque and Rideau Railway Company do hereby certify that the said Company has fulfilled the terms and conditions specified in the agreement dated the day of between the Corporation of and the said Company, that is to say (*here set out the terms and conditions which have been fulfilled*) and that pursuant to said agreement the said Company is entitled to receive from the said trust the sum of .

Chief Engineer.

47 Victoria, Chapter 67.

An Act respecting the Gananoque and Rideau Railway Company.

[Assented to 25th March, 1884.]

WHEREAS the parties hereinafter named have petitioned *Preamble* for an Act to revive the Act passed in the thirty-fourth year of Her Majesty's reign, chapter forty-six, and intituled "*An Act to incorporate the Gananoque and Rideau Railway Company*" and also to amend the same, and also to change the name of the said Company to "The Thousand

Islands Railway Company," also to make valid a certain by-law, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

34 Vict. c. 46,
revived.

1. The said Act of the Legislature of the Province of Ontario, passed in the thirty-fourth year of Her Majesty's reign, chapter forty-six, and intituled "*An Act to incorporate the Gananoque and Rideau Railway Company*," is hereby revived and continued in full force.

Sec. 1 re-
pealed.

Incorporation.

2. The first section of the said Act shall be repealed and the following substituted therefor: "Hugo B. Rathbun, Edward W. Rathbun, Frederick S. Rathbun, Herbert B. Rathbun, William R. Aylsworth, Roderick Chrysler Carter, and Charles A. Millner, together with such other persons or corporations as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, shall be and are hereby ordained, constituted, and declared a body corporate and politic, under and by the name of 'The Thousand Islands Railway Company.'"

Sec. 2 re-
pealed.

Provisions of
Railway Act
to apply.

3. The second section of said Act is hereby repealed, and the following substituted therefor: "The several sections and provisions of '*The Railway Act of Ontario*' shall apply to the Company hereby incorporated as if fully set out in this Act, save and except where the same are varied by the special provisions of this Act, and then as so varied they shall apply."

Sec. 4
repealed.
Gauge.

4. The fourth section of the said Act is hereby repealed, and the following substituted therefor: "The gauge of the said railway shall be four feet eight and one-half inches."

Sec. 5
amended.

5. The fifth section is amended by striking out the words "*The Railway Act*" and substituting therefor the words "*The Railway Act of Ontario*."

Sec. 6 re-
pealed.

Provisional
directors.

6. The sixth section of said Act is hereby repealed and the following substituted therefor: "The said Hugo B. Rathbun, Edward W. Rathbun, Frederick S. Rathbun, Herbert B. Rathbun, William R. Aylsworth and Roderick C. Carter, shall be, and they are constituted a board of provisional directors of the said Company, and for the transaction of business a majority shall form a quorum."

Sec. 7
amended.

7. The seventh section is amended by adding in the eleventh line the word "said" before the words "*Railway Act*" in the said eleventh line.

Sec. 8 re-
pealed.

Agreements
with other
companies.

8. The eighth section is hereby repealed, and the following substituted therefor: "It shall be lawful for the said provisional board of directors to purchase from any Company or persons thereunto lawfully authorized, any railway or any part of any railway now constructed or being constructed on any part of the line authorized by the said Act and this Act, and to agree with any such Company for the payment therefor at such price as may be agreed upon in fully paid-up shares of the capital stock of the Company,

or in preferred shares thereof, or partly in shares and partly in mortgage bonds of the Company, or wholly in one or more of said ways; and the shares which, on said purchase, shall be taken in payment or part payment for said railway or works, shall be fully paid-up shares unless otherwise agreed upon, and shall, on being subscribed, entitle the holders thereof to all the rights and privileges of such shareholders; and thereupon the provisional directors shall, by circular addressed to each of the persons so taking said stock, or in whose name the same shall stand in the books of the Company, call a meeting of said shareholders, who, at the time and place named in the circular, may elect five directors of the said Company, who shall be and shall constitute the board of directors of the Company for the year then next ensuing; and a majority of the said board shall form a quorum for the transaction of business."

9. For any further stock which the Company may think proper to have subscribed over and above the paid up stock which may be issued, as in the next preceding section mentioned, the directors of the Company may, at any time, and from time to time, open stock books for the subscription of stock, and may close the same as they deem proper, and reopen the same until stock to the extent authorized by said Act of incorporation is subscribed for, and they may prescribe the terms and conditions on which any such stock shall be subscribed, and they may reject any subscription which in their judgment the interest of the Company requires them to reject; and to any subscription for stock in the said Company, so made as aforesaid and approved by the board of directors, all the provisions of "*The Railway Act of Ontario*" shall apply. Issue of stock.

10. The ninth section of said Act shall be repealed and the following substituted therefor: "On such day, in each year after the said election last above mentioned, as the directors shall from time to time appoint by by-law, there shall be holden a general meeting of the shareholders of the Company at which the directors shall be elected and such other business transacted as the by-laws made by the Company or directors may from time to time require, and as may be mentioned in the notice calling the meeting." 34 Vict. c. 46
s. 9 repealed.
Annual meeting.

11. Public notice of all general meetings or special general meetings shall be given in the *Ontario Gazette*, and in one newspaper published in the county of Leeds, for four weeks in succession before the day on which said meeting shall be held. Notice of meetings.

12. The sixteenth section of said Act is hereby repealed and the following substituted therefor: "The board of directors may employ one or more of its members as paid director, or directors." 34 Vict. c. 46,
s. 16 repealed.
Employment
of paid
directors.

13. Sections eighteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-one and thirty- Secs. 18, 20-29
31 & 32, and
Schedule B,
repealed.

two, and the sub-sections thereto, and schedule B of the said Act are hereby repealed.

Power to purchase whole lots.

14. Whenever it shall be necessary, for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the Company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the Company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same, or part thereof, from time to time, as they may deem expedient; but the compulsory clauses of "*The Railway Act*" shall not apply to this section.

Power to take gravel, &c., for construction or maintenance.

15. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the Company may, in case it cannot agree with the owner of the land on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the right of way, and the notice of the arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the right of way, and all the provisions of "*The Railway Act of Ontario*," as varied and modified by the special Acts relating to the Company, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining materials, as aforesaid, and such proceedings may be had by the Company, either for the right to the fee simple in the lands from which said materials shall be taken, or for the right to take materials for any time they shall think necessary,—the notice of arbitration in case arbitration is resorted to, to state the interest required.

Sidings to quarries and gravel pits.

16. When said gravel, stone, earth and sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the Company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which such materials shall be found, whatever the distance may be, and all the provisions of "*The Railway Act of Ontario*," and of the special Acts relating to the Company, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which materials are situated, and such right may be so acquired for a term of years or permanently, as the Company may think proper; and the powers in this and the preceding section may at

all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway :

(2.) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of "*The Railway Act of Ontario*" shall not apply.

17. It shall be lawful for the directors of the Thousand Islands Railway Company, to enter into such traffic or working arrangements with the Grand Trunk Railway Company of Canada (if lawfully authorized to enter into such arrangements) as they may agree upon, and to give any other company running powers over their railway, or they may lease or sell their railway to the said Grand Trunk Railway Company of Canada if lawfully authorized to lease or purchase the same; they may also hire or lease engines or rolling stock; all this may be done on such terms and conditions as the board of directors may deem expedient: Provided, however, no such agreement for the sale or lease of the railway shall be valid or binding until it has been submitted to and approved of by a majority of the shareholders present in person or by proxy, and voting at any of the special or general meetings of the shareholders; provided further that the notice calling the meeting shall mention that such agreement will be submitted. Agreements with other companies.
Proviso.

18. The by-law passed by the village of Gananoque on or about the fourteenth day of June, one thousand eight hundred and eighty-three, and numbered one hundred and seventy-nine, and a certain agreement entered into by said corporations in pursuance thereof, and which agreement forms Schedule B to this Act, are hereby declared legal, valid, and binding in all respects, and if the said the Thousand Islands Railway Company purchase and acquire the railway in said agreement mentioned, they will be entitled to all the rights and privileges mentioned in said by-law, and may enforce the same in the same manner as if they were in said agreement a party thereto. By-law No. 179 of the village of Gananoque and agreement in Schedule B confirmed.

19. All the provisions of the said Act passed in the thirty-fourth year of Her Majesty's reign, chapter forty-six, which are inconsistent with this Act are hereby repealed. Inconsistent provisions in 34 V. c. 46 repealed.

20. The following shall be the Schedule A in place of that to the said Act. Schedule A of 34 Vict. c. 46 replaced by a new schedule.

21. Nothing in this Act contained shall be held to impair or in any way affect a certain resolution passed at a special meeting of the shareholders of the Gananoque Water-power Company on the ninth day of May, 1883, relating to the right of way over the property owned or controlled by the said Gananoque Water-power Company. Resolution of Gananoque Water-power Co., dated May 9, 1883, not affected.

22. Nothing in this Act contained shall in any way impair the rights or remedies of any creditors of the said Gananoque and Rideau Railway Company, but all such rights and remedies shall continue and may be maintained against the said The Thousand Islands Railway Company. Rights of creditors preserved.

said railway, to be worked by the said Bay of Quinté Railway and Navigation Company; and—

Whereas the said debentures were not to be delivered to the said the Bay of Quinté Railway and Navigation Company, or the nominee of the said last mentioned Company until an agreement in respect to the working of said railway for the carriage of passengers and freight should be entered into between the Corporation of the said village of Gananoque and the Bay of Quinté Railway and Navigation Company to work said railway.

Now therefore this indenture witnesseth that, in consideration of said debentures, the said parties of the first part hereby covenant and agree for themselves and their successors and assigns to and with the said parties of the second part, from the time of the completion of the said railway to work, or cause to be worked, the said railway so to be built as aforesaid for the carriage of passengers and freight between the Gananoque station of the Grand Trunk Railway of Canada and the dock on the river St. Lawrence, in the said village of Gananoque, known as Rathbun's dock, as fully and effectually as the business in and out of the said village of Gananoque in the judgment of the said Company and their assigns will warrant or sustain.

That no greater rate than twenty-five cents shall be charged any passenger each way over said railway, and that freight rates over the same shall not exceed an average rate of forty-five cents per ton of two thousand pounds for freights weighing one ton or more, to or from the said village of Gananoque, but the said sum of forty-five cents shall only apply to the carriage of freights and shall not include the terminal charges and the charge for loading or unloading of such freight.

That on the crossing of said railway on King Street in the said village of Gananoque, at the angle, a platform shall be built and kept in good repair for the accommodation and convenience of passengers by the said parties of the first part, and great care and precaution shall be taken to protect the lives and property of persons passing along said street by bringing each train to a full stop at King street aforesaid before crossing said street.

That one freight train at least per day shall be run over said railway and that a passenger train or coach shall make connection with all regular passenger trains on the Grand Trunk Railway Company of Canada stopping at Gananoque station for passengers.

That no arrangement shall be made with the Grand Trunk Railway of Canada whereby the freight shed at Gananoque station, on the line of the Grand Trunk Railway of Canada, shall be closed without the written consent of the parties of the second part first had and obtained.

And that in the event of the said freight shed being closed, a maximum rate not to exceed an average of forty-five cents per ton on freight weighing one ton or more shall be charged for the carrying of freight to and from said village of Gananoque to the present Gananoque station of the Grand Trunk Railway of Canada, but said rate of forty-five cents shall not include loading or unloading such freight and other terminal charges.

The said parties of the second part hereby agree with the parties of the first part, in consideration of this agreement, on delivery of the same duly executed by the said parties of the first part, and on the completion of the said railway as provided in said by-law, to issue the debentures as provided in said by-law and deliver them to the said parties of the first part, or to such person as shall be directed by the said parties of the first part.

That it is hereby further understood and agreed by and between the parties hereto, that in the event of any dispute as to the provisions of said by-law being complied with, or as to the completion of the work, or such like, the same shall be referred to the arbitrament and final determination of an officer to be appointed by the Minister of Railways, and his decision made under his hand in writing, shall be final and conclusive in the premises.

That the parties hereto shall join in getting from Parliament if possible an Act for the following purposes : First, to confirm the said by-law and to remove all doubts as to its validity ; second to authorize the incorporation of a company to work the said railway so proposed to be built, and to authorize the payment to said company of the said bonus on the order of the said the Bay of Quinté Railway and Navigation Company if so desired by them, and for power to amalgamate or make other arrangements with said last mentioned company ; third, to confirm and make binding this agreement.

And that in order to remove all doubt as to the property to be exempt from taxation under section number ten of said by-law, it is hereby agreed that the following shall be the property to be exempt from taxation, viz. : The proposed railway and its branches and offices, sheds and buildings, and appurtenances thereof as used and necessary for carrying on the business of said railway, and the said exemption shall not apply to any other property of said Company, or other company working said railway.

In witness whereof the parties hereto have executed these presents by the president of the said the Bay of Quinté Railway and Navigation Company and the reeve of the said corporation of the village of Gananoque setting their hands

and causing the seals of the said respective corporations to be hereunto affixed, the day and year first above written.

(Signed) H. B. RATHBUN.
President. [L.S.]
“ W. R. AYLSWORTH,
Secretary.
“ WM. BYERS.
Reeve. [L.S.]

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51 VICTORIA.

CHAP. 76.

An Act respecting the Central Ontario Railway.

[Assented to 22nd May, 1888.]

Preamble.

47 V., c. 60.

WHEREAS the Central Ontario Railway Company has, by its petition, represented that it was authorized by the Act passed in the forty-seventh year of Her Majesty's reign, chaptered sixty and intituled "*An Act respecting the Central Ontario Railway*," to construct its line of railway northward to a junction with the main line of the Canadian Pacific Railway, at a point between the town of Pembroke and Callander Station, and to issue bonds thereon to an amount not exceeding twenty thousand dollars per mile; and whereas, inasmuch as the construction of the said extension will be unusually expensive, and an issue of twenty thousand dollars of bonds per mile thereon would not insure the construction thereof, it is necessary to increase the bonding powers as hereinafter mentioned, and to change the point of junction with the line of the Canadian Pacific Railway, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 2
amended.

1. Section two of the Act passed in the forty-seventh year of Her Majesty's reign, chaptered sixty, and intituled "*An Act respecting the Central Ontario Railway*," is hereby amended by striking out the words "the town of Pembroke," in line four, and substituting therefor the words "Sudbury Junction."

Section 3
amended.

2. Section three of the said Act is hereby amended by striking out the word "twenty" in line six, and substituting therefor the word "thirty."

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51 VICTORIA.

CHAP. 77.

An Act to amend the Act to incorporate the Kincardine and Teeswater Railway Company.

[Assented to 4th May, 1888.]

WHEREAS the Kincardine and Teeswater Railway Com- Preamble.
pany have, by their petition, prayed that the Act
passed in the session held in the fiftieth and fifty-first years
of Her Majesty's reign, chaptered eighty-three, incorporating
the said Company, may be amended as hereinafter set forth,
and whereas it is expedient to grant the prayer of the said
petition: Therefore Her Majesty, by and with the advice
and consent of the Senate and House of Commons of Canada,
enacts as follows:—

1. The capital stock of the Company shall be seven hun- Capital stock
dred and twenty thousand dollars, divided into shares of and shares.
fifty dollars each.

2. The Company may extend their line of railway from Extension of
the harbor at the town of Kincardine, passing through or line authoriz-
near Inverhuron and the villages of Port Elgin and South- ed.
ampton, in the county of Bruce, to the town of Owen Sound,
in the county of Grey, and the line of railway so extended
shall constitute the line of railway of the said Kincardine
and Teeswater Railway Company.

3. The time for the commencement of the said railway is Time for con-
hereby extended for the further period of eighteen months struction ex-
from the time now limited by the said Act for the com- tended.
mencement thereof; and the time for the completion thereof
is hereby extended for the further period of two years from
the time now limited by the said Act for the completion of
the said railway.



51 VICTORIA.

CHAP. 78.

An Act to amend the Act respecting the St. Catharines and Niagara Central Railway Company.

[Assented to 22nd May, 1888.]

Preamble.

44 V. (Ont.)
c. 73.

45 V. (Ont.)
c. 62.

47 V. (Ont.)
c. 72.

WHEREAS by an Act of the Legislature of the Province of Ontario, passed in the forty-fourth year of Her Majesty's reign, intituled "*An Act to incorporate the St. Catharines and Niagara Central Railway Company*," the persons therein named were incorporated under the name of the St. Catharines and Niagara Central Railway Company, with all the powers, rights and privileges in the said statute mentioned, for the construction, equipment and operation of a railway from a point in the city of St. Catharines to a point at or near the village of Bismarck, thence to a point at or near the village of Smithville, thence to a point at or near the village of Caledonia or some other point on the Grand River, or at or near the Canfield Station on the Grand Trunk Railway, in the county of Haldimand, with certain branches, as in the said Act of incorporation described; and whereas by a certain other Act of the Legislature of the said Province, passed in the forty-fifth year of Her Majesty's reign, intituled "*An Act amending the Act incorporating the St. Catharines and Niagara Central Railway Company*," the powers conferred upon the said railway company by their said original Act of incorporation were extended, and among other things authority was conferred upon the said Company to extend a branch line from a point in or near the city of Hamilton to a point in or near the city of Toronto, and to the village of Victoria, in the county of Welland, or some other point on the Niagara River; and whereas by a certain other Act of the Legislature of the said Province, passed in the forty-seventh year of Her Majesty's reign, intituled "*An Act respecting the St. Catharines and Niagara Central Railway Company*," the corporate powers of the said Company were further extended, and a certain by-law of the city of St. Catharines passed to aid the said Company was, upon the terms and conditions in the said Statutes set forth, declared legal,

binding and valid; and whereas by a certain other Act of the Legislature of the said Province, passed in the forty-^{48 V. (Ont.) c. 79.} eighth year of Her Majesty's reign, intituled "*An Act respecting the St. Catharines and Niagara Central Railway Company*," certain further corporate powers were conferred upon the said Company, and a certain by-law of the corporation of the town of Thorold granting aid to the said Company was declared legal, valid and binding upon the said corporation; and whereas by a certain other Act of the Legislature of the said Province, passed in the forty-^{49 V. (Ont.) c. 78.} ninth year of Her Majesty's reign, intituled "*An Act respecting the St. Catharines and Niagara Central Railway Company*," certain amendments were made to the several Statutes above recited, and certain further corporate powers were conferred upon the said Company; and whereas by an Act of the Parliament of the Dominion of Canada, passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, intituled "*An Act respecting the St. Catharines and Niagara Central Railway Company*," the said rail-^{50-51 V., c. 60.} way was declared to be a work for the general advantage of Canada, and power was conferred upon the said Company to build a certain other branch line in the said Act described; and whereas the said Company, in the exercise of the powers conferred upon them by the several enactments above recited, have in part acquired the right of way for the line of their said railway, and have nearly completed the construction of their said railway from the Niagara River to the city of St. Catharines; and whereas the said Company have, by their petition, represented that since the passing of the last mentioned Act doubts have been raised as to the corporate powers possessed by the said Company and the manner in which the same should be exercised, and it is desirable that such doubts should be removed, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. From and after the passing of this Act the St. Catharines and Niagara Central Railway Company shall be, and is hereby declared to be, a body corporate subject to the legislative authority of the Parliament of Canada, with all and every the powers, rights, immunities, privileges, franchises and authorities from time to time conferred upon the said Company, under and by virtue of the above recited Acts of the Legislature of the Province of Ontario and each of them, as set out in the schedule to this Act, in as full and ample a manner in all respects as though the several provisions of the said Acts of the Legislature of the Province of Ontario were incorporated into and re-enacted by this Act.

Declaratory.

Incorporation.

Condition of
Company to
remain un-
changed.

2. The said Railway Company shall, in all transactions and matters, occupy the like position, and shall, in all respects, stand in the like plight and condition, and shall, in all things, to the fullest extent, have and possess the same rights, powers and authority as did the said Railway Company incorporated under the said above recited Acts of the Legislature of the Province of Ontario before the said railway was declared a work for the general advantage of Canada and before the passing of this Act.

Application
of Railway
Act.

3. The provisions of "*The Railway Act*" from section four to section thirty-nine, both inclusive, being part one of the said Act, shall apply to the said St. Catharines and Niagara Central Railway, and, in so far as they are applicable to the undertaking and except to the extent to which they are inconsistent with the provisions of the said Acts of the Legislature of the Province of Ontario above recited, shall be read and construed therewith in the same manner as though forming part thereof and expressly incorporated therewith.

Certain Acts
of Ontario
Legislature
not to be
affected.

4. Nothing contained in this Act or in the above recited Act passed by the Parliament of Canada in the session held in the fiftieth and fifty-first years of Her Majesty's reign, intituled "*An Act respecting the St. Catharines and Niagara Central Railway Company*," shall be construed in any way to affect or render inoperative any of the provisions of the said Acts of the Legislature of the Province of Ontario above recited or any Acts amending the same.

Extension of
time for con-
struction.

5. The times limited by the several Acts of the Legislature of the Province of Ontario respecting the St. Catharines and Niagara Central Railway Company, for commencing the main line or branches authorized by the said Acts or any of them, are hereby extended for the period of two years from the passing of this Act, and the times for completing the said main line and branches are hereby extended for five years from the passing of this Act, anything in any of the said Acts to the contrary notwithstanding.

Validity of
acts already
done under
provisions of
certain Acts.

6. All works of railway construction already done by or for the said Company, on the main line of railway of the said Company or any of the branches thereof, may be held and used by the said Company for the purposes and as part of the said railway, and shall be deemed part thereof in all respects as if made and constructed under the authority and provisions of Acts passed by the Parliament of Canada in the same words as the above recited Acts of the Legislature of the Province of Ontario; and all and every purchase, grant, or donation of land, money or other property made to the said Company, and all surveys, plans, maps or profiles preliminary to the construction of the said rail-

And of pur-
chases by and
grants to the
company.

way heretofore made and filed or deposited in any public office, and every and all notices to land-owners of intention to take or exercise powers of the Company with regard to any lands, declarations, certificates of surveyors, appointments or awards of arbitrators, orders or warrants of possession heretofore made or granted by any judge, and all and every act or thing heretofore done, or proceeding of any sort heretofore taken, by the said Company in the exercise of any of their corporate powers in connection with the construction of their said line of railway, and the taking and using of lands for that purpose, and the ascertaining and determining of the amount of compensation to be made in respect of lands taken or injuriously affected by the said railway, if, and so far as, made, done or taken in accordance with the provisions of the said above recited Acts of the Legislature of the Province of Ontario, or of "*The Railway Act of Ontario*," or of "*The Railway Act*," shall be, in all respects, deemed and held to be legal, valid and binding, in the same manner and to the same extent as though the same had been made, done or taken under the authority of and in accordance with the provisions of Acts of the Parliament of Canada passed in the same words as the several Acts above mentioned.

Surveys, ex-
propriations,
&c.

7. All original stockholders of the said Company who have not assented to the present route as now in process of construction, including the proposed route by way of Burlington Beach to Toronto, shall only be liable in respect to their respective stock therein, when the said Railway Company shall have constructed five miles of the main line of their railway from St. Catharines to Smithville, with the *bonâ fide* intention of completing the same, provided such shareholders shall, within three months from the passing of this Act, elect in writing to be bound by this section.

Liability of
certain share-
holders defin-
ed.

8. Nothing in this Act contained shall affect any litigation heretofore had or now pending.

Pending suits
not affected.

SCHEDULE.

STATUTES ON THE PROVINCE OF ONTARIO.

Year and Chapter.	Title of Act.
44 Vic., chap. 73.....	An Act to incorporate the St. Catharines and Niagara Central Railway Company.
45 Vic., chap. 62.....	An Act amending the Act incorporating the St. Catharines and Niagara Central Railway Company.
47 Vic., chap. 72.....	An Act respecting the St. Catharines and Niagara Central Railway Company.
48 Vic., chap. 79.....	An Act respecting the St. Catharines and Niagara Central Railway Company.
49 Vic., chap. 78.....	An Act respecting the St. Catharines and Niagara Central Railway Company.

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51 VICTORIA.

CHAP. 79.

An Act to amend an Act of the present Session, intituled
“ An Act to amend the Act respecting the St. Catharines and Niagara Central Railway Company.”

[Assented to 22nd May, 1888.]

HER Majesty, by and with the advice and consent of Preamble.
the Senate and House of Commons of Canada, enacts
as follows :—

1. Section eight of the Act of the present Session, intituled Section 8 of a.
“ *An Act to amend the Act respecting the St. Catharines and* 78 amended.
Niagara Central Railway Company,” is hereby amended by
inserting after the words “ nothing in,” in the first line of
said section, the words “ section three of.”

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Excellent Majesty



51 VICTORIA.

CHAP. 80.

An Act respecting the Lake Nipissing and James' Bay Railway Company.

[Assented to 4th May, 1888.]

Preamble.

WHEREAS the Lake Nipissing and James' Bay Railway Company have, by their petition, prayed for the passing of an Act to extend the times limited for the commencement and completion of their undertaking, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

47 V., c. 80.

49 V., c. 77.

Time for construction extended.

1. The times limited by the Act forty-seventh Victoria, chapter eighty, incorporating the Lake Nipissing and James' Bay Railway Company, as amended by the Act forty-ninth Victoria, chapter seventy-seven, for the commencement and completion of their undertaking, are hereby extended as follows: The time limited for the commencement of the railway is hereby extended for three years from the passing of this Act, and the first section of the railway as defined by the said Act forty-ninth Victoria, chapter seventy-seven, shall be completed in four years, the second section as defined by the said Act, in six years, and the third section as defined by the said Act, in eight years, from the time of the passing of this Act.

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51 VICTORIA.

CHAP. 81.

An Act to amend the Act incorporating the Hereford Branch Railway Company, and to change the name of the Company to "The Hereford Railway Company."

[Assented to 4th May, 1888.]

WHEREAS the Hereford Branch Railway Company Preamble.
have, by their petition, represented that they are desirous that the name of the said Company may be changed, and have also prayed for an Act to amend, as hereinafter mentioned, the Act incorporating the said Company, passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, and chaptered ninety-three; and whereas it is expedient to grant in part the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. The name of the Company is hereby changed from "The Hereford Branch Railway Company," which it now bears, to "The Hereford Railway Company"; but such change in name shall not, in any way, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending, either by or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted or continued as if this Act had not been passed. Name changed. Existing rights and obligations not to be affected.

2. Notwithstanding anything in the sixth and seventh sections of the Act incorporating the Company contained, the number of the directors of the Company may be any number not less than five and not exceeding nine, that may be fixed from time to time by by-law of the Company. Number of directors.

3. Section eight of the said Act is hereby amended by striking out the word "Three" in the first line thereof and substituting therefor the words "A majority of the." Section 8 amended.

Section 18
amended

4. Section eighteen of the said Act is hereby amended by striking out the following words at the end thereof: "Provided however, that a majority of the directors shall be resident in Canada, and British subjects."

Extension
may be built.

5. In extension of the line authorized to be built by the said Act, the Company may lay out, construct, finish and operate a double or single line of railway, of the gauge of four feet eight and one-half inches, from the point of connection with the Atlantic and North-West Railway to a point of connection with the Quebec Central Railway, either in the township of Westbury, in the county of Compton, or in the township of Dudswell, in the county of Wolfe.

Connection
with other
railways.

6. The Company may make a connection with the main line of the Quebec Central Railway and with the railway of the Dominion Lime Company.

Capital stock
increased

7. The capital stock of the Company is hereby increased by the sum of two hundred thousand dollars, making the total capital stock of the Company five hundred thousand dollars, divided into five thousand shares of one hundred dollars each.

Amount of
bonds limited.

8. The power of the Company to issue bonds is hereby limited to a sum not exceeding fifteen thousand dollars per mile of the said railway, including in the mileage the extension to the Quebec Central Railway; and section eleven of the said Act incorporating the Company is hereby amended by striking out the word "twenty" in the eighteenth line of the said section, and substituting therefor the word "fifteen."

Section 11
amended.

9. The Company may purchase or lease the Quebec Central Railway and the railway of the Dominion Lime Company, or either of the said two railways, provided that all agreements entered into between the companies for the purchase or lease of the said railways have been first sanctioned by two-thirds of the votes at a special meeting of the shareholders of the Company called for the purpose of considering the same, notice of the hour and place of such meeting having been given for at least fourteen days previously in English and French in the *Canada Gazette*, and in one or more newspapers published in the city of Sherbrooke, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and that it has also been sanctioned by the Governor in Council:

Company may
acquire cer-
tain other rail-
ways, with
sanction of
shareholders
and of Gover-
nor in Coun-
cil.

Notice of ap-
plication for
sanction of
Governor in
Council.

2. Before such sanction by the Governor in Council is given, notice of the application therefor shall be published in English and French in the *Canada Gazette* and in one

newspaper in each of the counties through which the railway runs, if any such newspapers are published, for at least two months prior to the time named in such notice for the making of such application ; and such notice shall state a time and place when and where the application is to be made, and that all parties may then and there appear and be heard on such application.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 82.

An Act to amend the Act to incorporate the Maskinongé and Nipissing Railway Company.

[Assented to 22nd May, 1888.]

Preamble.

49 V., c. 79

WHEREAS a petition has been presented praying for an Act to amend, as hereinafter mentioned, the Act passed in the session held in the forty-ninth year of Her Majesty's reign, and chaptered seventy-nine, intituled "*An Act to incorporate the Maskinongé and Nipissing Railway Company*," and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 1 amended.

1. Section one of the Act passed in the session held in the forty-ninth year year of Her Majesty's reign, and chaptered seventy-nine, intituled "*An Act to incorporate the Maskinongé and Nipissing Railway Company*," is hereby amended by striking out the names "Thomas W. Ferry" and "James J. White," and substituting therefor the names "William Shoolbred" and "Philip Low."

New corporations.

Section 5 amended.

2. Section five of the said Act is hereby amended by striking out the names "Thomas W. Ferry" and "James J. White," and by inserting after the name "John H. Verrall" the names "William Shoolbred, Philip Low, Henry J. Low and Laurent Grenier."

Time for construction extended.

3. Section twenty-two of the said Act is hereby repealed, and in lieu thereof it is hereby enacted that the works upon the main line of the railway shall be commenced within two years and completed within seven years from the passing of this Act, otherwise the powers granted shall cease and be null and void as respects so much of the railway as then remains uncompleted.



51 VICTORIA.

CHAP. 83.

An Act to confirm a Mortgage given by The Central Railway Company to The Central Trust Company of New York to secure an issue of Debentures.

[Assented to 22nd May, 1888.]

WHEREAS The Central Railway Company has now in Preamble.
course of construction that portion of its line of railway from the head of Grand Lake in the county of Queen's, in the Province of New Brunswick, to Norton, in the county of King's, in the said Province of New Brunswick, where it intersects the Intercolonial Railway; and whereas under and by virtue of an Act of the Parliament of Canada made and passed in the session held in the fiftieth and fifty-first years 50-51 V. c. 75.
of Her Majesty's reign, chaptered seventy-five, and intituled "*An Act to enable The Saint Martin's and Upham Railway Company to sell its railway and property,*" the said Central Railway Company purchased, subject to the provisions of the said Act, the Saint Martin's and Upham railway, extending from the town of Saint Martin's, in the city and county of Saint John, to Hampton, there connecting with the line of the Intercolonial Railway, and all the property and franchises of the said Saint Martin's and Upham Railway Company, as appears by a conveyance from that Company to The Central Railway Company, dated the thirty-first of October, one thousand eight hundred and eighty-seven; and whereas the Central Railway has therefore become a work for the general advantage of Canada under the provisions of section one hundred and twenty-one of "*The Railway* Railway Act.
Act;" and whereas the said Central Railway Company has authorized an issue of its bonds or debentures to an amount equal to twelve thousand dollars per mile for each mile of the said railway from the head of Grand Lake to Norton, and for each mile of the railway from Hampton to Saint Martin's and the extension of one mile from there to Rourke's Mills; and whereas the said Central Railway Company has, in order to secure the payment of the said bonds and interest, executed and delivered an indenture of mortgage to the Central Trust Company of New York (a corpora-

tion by the laws of the State of New York), bearing date the fifth day of November, one thousand eight hundred and eighty-seven, by which it conveyed to the Central Trust Company of New York that part of the line of railway authorized to be constructed by The Central Railway Company, extending from the head of Grand Lake to Norton aforesaid, and also the Saint Martin's and Upham Railway so purchased as aforesaid, with the extension to Rourke's Mills, together with all rights of way, lands, cars, rolling stock and property of whatever kind, acquired by the said Central Railway Company for the use of the said lines of railway, to secure the said bonds or debentures; and whereas the said railway Company has, by its petition, prayed that an Act may be passed confirming the said purchase, mortgage and issue of bonds, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Declaratory.

1. The railway of the said Central Railway Company including therein the St Martin's and Upham Railway is a work for the general advantage of Canada.

Certain deeds, &c., ratified.

2. The said purchase of The Saint Martin's and Upham Railway by The Central Railway Company, and the said conveyances thereof, and the said issue of bonds or debentures by The Central Railway Company, and the said mortgage to secure the same made by The Central Railway Company to the Central Trust Company of New York, as set forth in the schedule to this Act, are hereby severally ratified, confirmed and declared valid: Provided always, that nothing in this Act contained shall interfere with any prior registered mortgage or the claim or lien of any person upon the said railways or either of them, if any such exists.

Proviso: rights saved.**Annual meeting.**

3. The annual meeting of the said Company shall be held at Fredericton on the first Tuesday in June, or on such other day and at such other place as may be determined by the by-laws, at such hour as the directors for the time being appoint,—at which meeting the directors shall be chosen by ballot;

Votes.

2. At such meeting, or any other meeting of shareholders, each shareholder shall be entitled to one vote for every share of stock held by him, and may vote by proxy given to any other shareholder;

Special meetings.

3. The board of directors may call special meetings of the shareholders whenever the board deems it expedient and proper, giving such notice as the by-laws direct.

Certain rights not affected.

4. Nothing in this Act contained shall affect or vary any right of the Government of Canada to resume possession of the rails loaned, under a resolution of the House of Com-

mons and Orders in Council, to The Saint Martin's and Upham Railway Company.

SCHEDULE.

FIRST MORTGAGE, THE CENTRAL RAILWAY COMPANY.

This indenture, made this fifth day of November, 1887, by and between The Central Railway Company, hereinafter called the Railway Company, a corporation of the Province of New Brunswick, in the Dominion of Canada, the party hereto of the first part, and The Central Trust Company of New York, a corporation of the city and State of New York, in the United States of America, trustee, hereinafter called the trustee, the party hereto of the second part;

Whereas The Central Railway Company is an existing railway corporation, under and by virtue of an Act of the Legislature of the Province of New Brunswick, in the Dominion of Canada, made and passed in the thirty-fourth year of Her present Majesty's reign, entitled "*An Act to incorporate the Central Railway Company* ;"

And whereas by the said Act, incorporating the said Company, and by certain reviving and amendatory Acts, the said Company was empowered to build, equip, maintain and operate *inter alia* a line of railway from St. Mary's, in the county of York opposite the city of Fredericton, to an intersection with The Intercolonial Railway at some point between St. John Station, in the city of St. John, and Salesbury Station, in the county of Westmoreland, a part of which line, viz. : from the head of Grand Lake, in the county of Queen's, to an intersection with The Intercolonial Railway, formerly known as The European and North American Railway, at Norton Station, is in process of construction ;

And whereas under and by virtue of the power and authority given by a certain Act of the Parliament of the Dominion of Canada, made and passed in the fiftieth year of Her present Majesty's reign, entitled "*An Act to enable The Saint Martin's and Upham Railway Company to sell its railway and property*," and of a certain Act of the Legislature of the Province of New Brunswick, made and passed in the fiftieth year of Her present Majesty's reign, entitled "*An Act to extend and enlarge the charter of The Central Railway Company*," The Central Railway Company has duly acquired title by deed of conveyance and transfer from The St. Martin's and Upham Railway Company, dated the thirtieth day of October, A.D., 1887, and duly approved by the Governor in Council, to the railway, appurtenances, property and franchises of the said The St. Martin's and Upham Railway Company, a corporation of the Province of New Brunswick,—which railway extends from the town of St. Martin's, on the shore of the Bay of Fundy at Quaco

Harbor, in the county of St. John, to Hampton Station on the said The Intercolonial Railway ;

And whereas under and by virtue of the franchises purchased from The St. Martin's and Upham Railway Company, The Central Railway Company is authorized to build a branch line commencing at the town of St. Martin's and running along the harbor of Quaco to Rourke's Mills, a distance of about one mile ;

And whereas by the last recited Act of the Legislature of the Province of New Brunswick, The Central Railway Company was authorized to issue its debentures or bonds to an amount equal to twelve thousand dollars (\$12,000) per mile for every mile of railway which the said Company is authorized to build from the head of Grand Lake to an intersection with the said The Intercolonial Railway, and also to issue its debentures or bonds at the rate of twelve thousand dollars (\$12,000) per mile for every mile of railway that the said The Central Railway Company might purchase,—which debentures or bonds, it is by said Act provided, shall be and form a first charge on the said lines of railway, and purchased roads, and the property, lands, buildings, tolls, income, and franchises and rights, connected therewith or appertaining thereto, then had or that might be thereafter acquired by the said The Central Railway Company, as may be expressed in such debentures or bonds,—and shall be in such form, for such amount, and payable at such times and places as the directors from time to time or at any time may appoint, and shall be signed by the president and treasurer, and shall have the corporate seal affixed thereto, and shall bear interest at the rate of six per cent. per annum, payable half-yearly, with interest coupons attached ;

And whereas, the said Act further provides that the said debentures or bonds may be issued by authority of a majority of the directors of the said Company, given by a vote of the board of directors at any lawful meeting thereof at any time held, and that the president and secretary, under the seal of the Company, shall have full power to sign and deliver any trust, mortgage or conveyance of the railway line and lines, property, lands, estate, franchises, tolls, rights, privileges and easements of the said Company, necessary or advisable to sign or execute and deliver for the purpose of securing, or that would have a tendency to secure, the payment of the said debentures or bonds and the interest thereon ;

And whereas at a meeting of the board of directors of The Central Railway Company, duly called and held, the said board did, in pursuance of the authority in them vested by the said last mentioned Act of the Legislature of the Province of New Brunswick, unanimously resolve, that in order to provide means for the construction of the said line of railway extending from the head of Grand Lake to Norton

Station, and for the purchase of the railway and franchises of The St. Martin's and Upham Railway Company,—which said railway extends from the town of St. Martin's to Hampton Station,—and for the construction of said branch line running from the town of St. Martin's to Rourke's Mills, there being no debentures or bonds outstanding against any of the said lines of railway, The Central Railway Company issue its debentures or bonds to an amount equal to twelve thousand dollars (\$12,000) per mile for every mile of the said line, extending from the head of Grand Lake to Norton Station, the length of the said line being about forty-four (44) miles, and that The Central Railway Company further issue its debentures or bonds to an amount equal to twelve thousand dollars (\$12,000) per mile for every mile of the said railway purchased by it from The St. Martin's and Upham Railway Company,—which said railway extends from the town of St. Martin's to Hampton Station, together with the aforesaid branch line, commencing at the town of St. Martin's and running along the harbor of Quaco to Rourke's Mills, the length of the said line and branch line together being about thirty-one (31) miles ;

And whereas the said board of directors in every respect as above has further determined that the said debentures or bonds shall be of the denomination of \$1,000 in gold coin of the United States, or £200 sterling lawful money of Great Britain, numbered consecutively from one upwards, and shall be payable on the first day of November, nineteen hundred and thirty-seven (1937), and bear interest at the rate of six per cent. per annum, payable semi-annually, on the first days of May and November of each year, in like coin or money, that the said debentures or bonds shall be signed by the president and treasurer of the said Company, and shall have the corporate seal of the said Company affixed thereto, and shall be duly authenticated as hereinafter provided by the trustee under this mortgage or by its successor or successors in office,—each of said debentures or bonds to have interest coupons attached, with the name of the treasurer of the said Company engraved thereon ;

And whereas, the said board of directors in every respect as above has further determined that said debentures or bonds, trustee's certificates and coupons, respectively, shall be in form and substance similar to the following, that is to say :

THE DOMINION OF CANADA, PROVINCE OF NEW BRUNSWICK.
THE CENTRAL RAILWAY COMPANY.

\$1,000.

No.

£200.

FIRST MORTGAGE BOND.

For value received The Central Railway Company promises to pay to The Central Trust Company of New York, or

bearer, one thousand dollars in gold coin of the United States of America, or two hundred pounds British sterling, at the office of The Central Trust Company of New York, in the city of New York, or at the agencies of The Central Railway Company, in the cities of London, or St John, on the first day of November, nineteen hundred and thirty-seven (1937), and on presentation and surrender of the annexed coupons, as they shall severally become due, to pay interest on such principal sum at the rate of six per cent. per annum from the first day of November, eighteen hundred and eighty-seven (1887), until such principal sum shall be paid,—such interest being payable the first days of May and November of each year, in like coin, at the Company's agencies as aforesaid.

This bond is one of a series of bonds issued and to be issued at the rate of twelve thousand dollars (\$12,000) per mile of railway, and numbered consecutively from one upwards, secured by a first mortgage or deed of trust, bearing even date herewith, executed by the said The Central Railway Company to the Central Trust Company of New York, trustee, upon the following lines of railway in the Province of New Brunswick: *first*, the line extending from the head of Grand Lake, in the county of Queen's, to Norton Station, on The Intercolonial Railway; *second*, the line extending from the town of St. Martin's, in the county of St. John, to Hampton Station, on said The Intercolonial Railway; *third*, the branch line from said last mentioned line, extending from the said town of St. Martin's, along the harbor of Quaco, to Rourke's Mills; and also upon the equipments, appurtenances, franchises and property belonging to the said The Central Railway Company, and used or enjoyed for the purposes of said lines of railway, or which may hereafter be acquired for the purposes or in the operation of said lines of railway, all of which is more particularly set forth in said mortgage, to which reference is hereby made, and which has been duly recorded.

This bond shall not become valid until the certificate indorsed hereon shall have been signed by the trustee herein named. For these provisions and all other terms and conditions upon which this bond is issued, reference is hereby made to the aforesaid mortgage.

In witness whereof The Central Railway Company has caused its corporate seal to be hereunto affixed, and these presents to be signed by its president and treasurer, this
day of A. D.

President.

Treasurer.

[SEAL.]

INTEREST COUPON, No.

On the first day of The Central Railway
Company will pay to the bearer, at the office of The Central

Trust Company of New York, in the city of New York, or at the said Railway Company's agencies in the cities of London or St John, thirty dollars (\$30) in gold coin, or six pounds sterling, being six months' interest then due on its first mortgage bond, No.

Treasurer.

TRUSTEE'S CERTIFICATE.

This certifies, that this bond is one of the series of bonds, within mentioned, and described in a mortgage or deed of trust executed by The Central Railway Company to the undersigned trustee, on the fifth day of November, A.D., 1887, and duly recorded; and the holder hereof is entitled to the benefit of the trust thereby created.

THE CENTRAL TRUST COMPANY OF NEW YORK, TRUSTEE,
By

President.

And whereas the said board of directors, in every respect as above, has determined that an indorsement shall be made on each of said bonds, allowing the owner, at his option, to have a registration thereof made on the books of the Company, which indorsement is required to be in form or substance as follows:—

“This bond may be registered in the name of its owner on the books of the Company in New York city, or in such other place as the Company may open books for that purpose,—which registry shall be noted hereon by the Company's transfer agent, and thereafter no transfer of this bond shall be valid unless made on said books of the Company by the owner and noted as aforesaid; but the same may be discharged from registration by being transferred to bearer, and thereafter it shall be transferable by delivery, but it may be again registered as before; the registry of the bond shall not affect or restrain the negotiability of the coupons by delivery merely;”

And whereas the board of directors, in every respect as above, has determined and directed that a mortgage or deed of trust, to be called the first mortgage, be executed to secure the payment of the said bonds and the interest thereon, according to the terms, provisions and stipulations in said bonds contained, and that the president and secretary, under the seal of the said Company, shall sign the same in behalf of the said Company;

And whereas at the said meeting of the board of directors, in every respect as above, this form of mortgage was submitted and approved by them as the form of mortgage to be executed in accordance with their above-recited resolutions;

And whereas at a general meeting of the stockholders of the said Company, duly called and held on the fifth day of November, all of the above-recited actions taken by the board of directors were fully authorized, ratified and confirmed:

Now, therefore, this indenture witnesseth, that The Central Railway Company, party of the first part, for and in consideration of the premises and of the sum of one dollar to it duly paid by the said party of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, and in order to secure the payment of the principal and interest of the bonds aforesaid, ratably and without discrimination or preference, according to their tenor and effect, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed, assigned, transferred and set over, and by these presents doth grant, bargain, sell, alien, remise, release, convey and confirm, assign, transfer and set over unto the party of the second part, its successors and assigns forever, all and singular the line of railway of the party of the first part, extending from a point at or near the head of Grand Lake in the county of Queen's, to Norton Station in King's county, on the line of The Intercolonial Railway, formerly known as The European and North American Railway, a distance of about forty-four miles, constructed or to be constructed; and all and singular the line of railway of the party of the first part, extending from the town of St. Martin's, on the shore of the Bay of Fundy, at Quaco Harbor, in the county of St. John, through the parish of St. Martin's in the said county, and through the parishes of Upham and Hampton, in King's county, to Hampton Station on the line of the said The Intercolonial Railway, a distance of about thirty miles; and all and singular the branch line from the last mentioned line, extending from the said town of St. Martin's along the harbor of Quaco to Rourke's Mills, a distance of about one mile; together with all lands, buildings, bridges, fixtures, telegraph lines, and structures of every kind and nature whatsoever, and all improvements and additions thereto, and all sidings, side tracks and turn-outs, now owned by the party of the first part, or which may be hereafter acquired by it for the use of the said lines of railway; and also all easements, rights of way and rights in land of any kind or nature whatsoever, now held or hereafter to be acquired for the use of the said lines of railway; and also all rolling stock, cars, engines, rails, ties, machinery, tools, and materials of whatever kind, and all other personal property of every kind and nature whatsoever, now held or hereafter to be acquired for the use of the said lines of railway; and also all leaseholds, leases and rights under the same, now held for the use of the said lines of railway; and also all other contracts, rights under contracts, choses in action and rights of any nature or kind

whatsoever, legal or equitable, now held or hereafter to be acquired for the use of the said lines of railway; and also all powers, privileges and corporate rights and franchises, including the franchises to operate said lines of railway, now held or hereafter to be acquired for the use of said lines of railway; and also all other property, estate, right, title, interest or thing which the said party of the first part now owns or holds or may and shall hereafter acquire or hold, necessary or convenient for the use, occupation and enjoyment of said lines of railway, *excepting always, nevertheless*, all subsidies given or granted to the said Company by the Governments of the Province of New Brunswick or the Dominion of Canada or otherwise in aid of the said lines of railway; to have and to hold, the premises, property, rights, franchises, and estates hereby conveyed or intended to be conveyed, with all and singular the reversions, remainders, tolls, rents, issues and profits, privileges and appurtenances, now or hereafter belonging, or in anywise appertaining thereto, except as above excepted, unto the said party of the second part and its successors, and their heirs and assigns forever, in trust, nevertheless, for the following uses and purposes, that is to say:—

First.—In trust to secure the payment of the principal sums mentioned in the bonds to be issued and certified as aforesaid, and intended to be hereby secured, and also the interest on the same, as therein stipulated to the holders and owners of the same, according to the tenor of the said bonds.

Second.—In trust to secure by way of mortgage the payment of the expenses of executing this trust; that is to say, commissions or compensation to the trustee for its trouble, which commissions or compensation shall amount to one dollar (\$1.00) per bond for each and every bond issued and secured by these presents, and all other necessary expenses actually paid or incurred in the execution thereof.

And it is hereby declared, agreed and understood to be the true intent and meaning of these presents and the parties hereto that all the property, real, personal and mixed, corporeal or incorporeal of every kind and nature, hereafter acquired for the use of the said lines of railway shall be transferred and deemed to be transferred hereunder as fully and effectually without any Act or deed of the said Company, as if the said Company now owned or were possessed of the same:

Provided, however, and these presents are upon the express condition, that if the party of the first part, its successors or assigns, shall well and truly pay or cause to be paid unto the holders of said bonds, to be issued as aforesaid, the principal and interest to become due thereon to said holders at the times and in the manner stipulated in the said bonds, and in said interest coupons, according to the true intent and meaning thereof; and also, shall well and

truly pay to the trustee the necessary expenses of executing this trust; and shall well and truly keep, perform and observe all and singular the covenants, promises and conditions in said bonds and in this indenture expressed, to be kept, performed and observed by or on the part of the said party of the first part; then these presents and the estate and rights hereby granted shall cease, determine, and be void, otherwise to be and remain in full force and effect.

And it is hereby expressly covenanted, declared, and agreed by and between the parties hereto, and the party of the first part, for itself, its successors and assigns, doth hereby covenant and agree with the respective persons and corporations, firms and partnerships who shall hold the bonds and interest coupons aforesaid, or any or either of them, that the trusts, uses, purposes, conditions, and covenants for and upon which the rights, franchises and property real and personal, hereinbefore described, are conveyed to and are to be held and disposed of by the party hereto of the second part, are as follows, that is to say:

First—The Railway Company shall upon the execution and delivery of this mortgage, or deed of trust, execute and deliver to the trustee its bonds in the form and to the amount hereinbefore provided for. The trustee shall hold the said bonds, and certify in the manner hereinafter provided, and deliver them to the Railway Company at such times and in such amounts as the Railway Company shall request: Provided, however, that no bonds shall be certified by the trustee to an amount greater than twelve thousand dollars (\$12,000) for each mile of railway fully constructed and completed, and certified to be so by an engineer appointed by the trustee.

Second.—Each of the said bonds to be made by the Railway Company as aforesaid, before being issued and delivered shall be certified by the trustee, by a certificate in the form hereinbefore set forth, indorsed thereon, to be one of the series of bonds secured to be paid by this mortgage, and until so certified no such bond shall be or be deemed secured by this mortgage, nor shall it entitle the holders thereof to any obligation against the Railway Company or to have any lien or claim upon the said mortgaged premises.

Third—The engineer's certificate herein provided for shall be full authority to the trustee for the certification and delivery to the Railway Company of the bonds at the rate of twelve thousand dollars (\$12,000) per mile, in bonds, for each mile of railway certified by said engineer to be fully constructed and completed.

Fourth.—The Railway Company will punctually pay both principal and interest of the bonds intended to be hereby secured, in gold coin of the United States or in lawful money of Great Britain, and shall and will, from time to time, pay and discharge all taxes, assessments, and governmental charges, lawfully imposed upon the said railroad,

and other hereby mortgaged premises or upon any part thereof, the lien of which might or could be held to be prior to the lien hereof, so that the priority of this mortgage may be duly preserved; and the Railway Company shall not and will not permit any matter or thing whatsoever, whereby the lien thereof might or could be impaired, until the said bonds hereby secured with all interest accrued thereon shall be fully paid and satisfied.

Fifth.—This deed shall not operate nor be held to prohibit the Railway Company, its successors and assigns, so long as it or they shall remain in possession of the said mortgaged premises, and there shall be no subsisting default in the payment of the principal or interest of the bonds hereby secured, or of some of them, or in respect to something hereby required to be done, observed, kept or performed by the Railway Company, from selling and conveying or otherwise disposing of, for the use and benefit and the maintenance of said railway free from the encumbrances and trust hereof, any real or personal property now owned or hereafter acquired by the Railway Company, which at any time cannot be advantageously used in the proper and judicious operation, management or maintenance of said railway and the business thereof; but in no case shall any sale or other disposition of such property be made without the express assent in writing of the trustee,—which assent the said trustee is hereby authorized to give.

Sixth.—Until default shall be made in the payment of the principal or interest of the bonds hereby secured, or of some of them, or in respect to something hereby required to be done, observed, kept or performed by the Railway Company, the Railway Company shall be suffered and permitted to possess, manage, operate, and enjoy the hereinbefore described railway, rights, franchises and other property, real and personal, with the equipment and appurtenances thereunto belonging, and to receive and use the tolls, income, rents, issues and profits thereof.

Seventh.—And it is further covenanted that if the Railway Company shall fail to pay the interest on any of the bonds intended to be secured hereby for ninety days after the same shall become due and payable, and after demand made for the payment of the same, the trustee may, on proof thereof, declare the said bonds, principal and interest, to be due and payable, and the said bonds, principal and interest, shall thereupon become due and payable; and if the Railway Company shall fail to pay the principal sum of any of the said bonds, when and as the same shall become due and payable, for ninety days after demand made at the office aforesaid for the payment of the same, or shall suffer or allow any taxes to fall in arrear, whereby the security of this mortgage may be impaired, it shall be the duty of the trustee, upon the written request of the holders or owners, of any of the said bonds, amounting at least to twenty-five

per cent. of the amount then issued and outstanding, to enter upon and take possession of the railroad, estates, real and personal, and premises hereby mortgaged or agreed or intended so to be, and shall and will thereupon operate, use, manage and control the said railroad, estates, real and personal, and premises, in the interest of and for the benefit of the bondholders secured by this mortgage; or it shall be the duty of the trustee, after or without entering or taking such possession, upon the written request of the holders of twenty-five per cent. of the said bonds then outstanding, to proceed to sell the railroad, estates, real and personal, corporate rights and franchises, and premises hereby mortgaged or agreed or intended so to be, to the highest bidder, at public sale, for cash, or as in the next section provided, in the city of St. John,—having first given notice of such intended sale by publication in at least two newspapers, published in the city of New York, two published in the city of London, two published in the city of St. John, at least once in each week for twelve consecutive weeks next preceding such sale,—and from time to time adjourn such sale in its discretion, and upon such sale make and deliver to the purchaser or purchasers of the railway, estates, real and personal, corporate rights and franchises and premises so sold, a good and sufficient deed or deeds for the same, freed from all and every the trusts hereby created, and without liability on the part of the said purchaser or purchasers to see to the application of the purchase money. And the proceeds derived from the operation and management of the road as aforesaid, or from the sale as aforesaid, after deducting the expenses of the trust, and such sum or sums as may be sufficient to indemnify the trustee against any liability, loss or damage, for or on account of any matter or thing done by it in good faith, in pursuance of its duty as trustee, shall be appropriated to the payment in full without giving preference, priority, or distinction of one bond over another: *first*, of the interest due on said bonds, preference being given to the coupons in the order that they fell due; and *second*, of the principal of all of the aforesaid bonds then outstanding, and intended to be hereby secured, in full, if the said income or proceeds be sufficient, but if not, then *pro ratâ*; or it shall be the duty of the trustee, upon the written request of holders of twenty-five per cent. in amount of said bonds then outstanding to proceed to protect and enforce the rights of the bondholders under these presents by a suit or suits in equity or at law, whether for the specific performance of the stipulated covenants and agreements, or any of them contained herein, on the part of the Railway Company to be kept and performed, whether in aid of the execution of powers herein granted or otherwise, as the trustee, being advised by counsel learned in the law, shall deem most effectual to protect and enforce such rights; it being understood, and it is hereby expressly

declared, that the rights of entry and sale hereinbefore granted are intended as cumulative remedies additional to all other remedies allowed by law, and the same shall not be deemed, in any manner whatever, to deprive the trustee or the beneficiaries under this trust of any legal or equitable remedy, by judicial proceedings, consistent with the provisions of these presents, according to the true intent and meaning thereof.

But, nevertheless, a majority in interest of said bondholders may, in case of such default in the payment of interest, by an instrument or concurrent instruments in writing, signed by them or their attorneys in fact, duly authorized for that purpose, instruct the trustee to declare the said principal sum due, or to refrain from making such declaration upon such terms and conditions as said majority shall deem proper, or may annul or reverse the declaration if already made by the trustee, anything herein contained to the contrary notwithstanding, and the trustee shall act upon such instruction; but the action of the trustee or of the bondholders, in case of any default, shall not affect or impair the right of a majority in interest of such bondholders at any time while such default continues, to declare or direct the trustee to declare such principal due, nor shall it in any wise affect any subsequent default on the part of the Railway Company, or impair any right resulting therefrom.

Eighth.—In case of any foreclosure sale, or any sale under the provisions hereof, the purchaser or purchasers at such sale shall be entitled in making settlement for or payment of the purchase money bidden, to turn in toward the payment of such purchase money any of the bonds secured hereby held by such purchaser or purchasers, counting such bonds for that purpose at the sum which shall be payable out of the net proceeds of such sale to the holder or holders of such bonds, as his or their just share of such net proceeds after allowing for the proportion of payment which may be required in cash for the costs and expenses of the sale, and if such share of net proceeds shall be less than the amount then due upon such bonds to make such settlement by receipting on such bond the amount to be credited thereupon.

Ninth.—And it is hereby covenanted and agreed that no part of the property or premises hereby mortgaged, or the equity of redemption therein, shall, under any present or future law, be liable to be seized or taken in execution, or sold under or by virtue of any judicial proceedings, judgment or decree, upon any bond hereby secured, or the interest thereon, and that this covenant shall operate as a bar to any judgment or decree on which said execution can be issued, and may be pleaded in bar of the same, or otherwise used so as effectually to restrain any bondholder from proceeding for the recovery of the same out of the mortgaged premises or property otherwise than at the suit of the trustee.

its successors or assigns, as mortgagee or mortgagees in trust, as stipulated in this indenture.

Tenth.—Upon the filing of a bill in equity or other commencement of judicial proceedings to enforce the rights of the trustee and of the bondholders under these presents, the trustee shall be entitled to the appointment, by any court of competent jurisdiction, of a receiver or receivers of the property hereby mortgaged, and of the earnings, income, rents, issues and profits thereof, pending such proceedings with such powers as the court making such appointment shall confer.

Eleventh.—Whenever all the bonds and coupons secured hereby which shall have been duly issued shall be paid and cancelled or destroyed, the trustee may, and upon the request of the Railway Company shall, cancel and discharge the lien of these presents, and execute and deliver to the Railway Company such deed or deeds as shall be required to satisfy the lien hereof and reconvey to the Railway Company the estate and title hereby conveyed.

Twelfth.—It is hereby mutually covenanted and agreed between the parties hereto that the trustee shall not be under any obligation to take any action toward the execution of this trust, which, in its opinion, will be likely to involve it in personal expense or liability, unless one or more of said bondholders shall, as often as required by the trustee, give it reasonable indemnity against the same, anything herein contained to the contrary notwithstanding.

And it is hereby further mutually covenanted and agreed between the parties hereto, that the trustee may resign and discharge itself of the trust hereby created by notice in writing to the Railway Company, to be given at least three months before such resignation shall take effect, or such shorter time as the Railway Company shall accept as adequate.

And whenever a vacancy shall occur in the office of trustee hereunder, by resignation or otherwise, a successor of the party of the second part may be appointed by the holders of a majority of the said bonds hereby intended to be secured, and at the time being outstanding, by an instrument or concurrent instruments in writing signed by them or by their agents or attorneys in fact duly appointed for that purpose; or if it be found or deemed to be impracticable to appoint a successor in that way, and such vacancy shall remain unfilled for three months, an application on behalf of the holders of all of said bonds may be made, on thirty (30) days' notice in writing to the Railway Company, by the holders of one-tenth of said bonds then outstanding, to any court of competent jurisdiction to appoint such successor; and the provisions herein contained in regard to the party of the second part shall apply to such successor, and he or it may resign or be discharged, and any vacancy thus or otherwise occurring in said trusteeship at any time during the continuance of the trusts hereby created, may be filled in the same manner as hereinbefore provided.

Thirteenth.—The several bonds hereby secured may be registered in the owners' names on the Company's books in the city of New York, or in any other place at which the Company may establish an office for such registration,—which registry shall be noted on each bond so registered by the Company's transfer agent,—and thereafter no transfer of such bonds shall be valid unless made on the Company's said books by the registered owner thereof and similarly noted on such bond ; but the same may be discharged from registry by being transferred to bearer, and thereafter such bonds shall be transferable by delivery, but may be again registered as before. The registry of said bonds shall not restrain the negotiability of the coupons by delivery merely.

Fourteenth.—The Railway Company shall, at all times hereafter until the principal and interest of the bonds secured hereby are paid in full, keep and maintain an office or financial agency in the city of New York, for the registration and transfer of said bonds, and for the payment of the principal and interest thereon as the same become due.

Fifteenth.—It is mutually covenanted and agreed by the parties hereto, that the trustees under this mortgage and deed of trust shall not be liable nor responsible for any matter or thing connected with the trust hereby created, except for its own wilful and intentional breaches thereof.

Sixteenth.—And it is further agreed, that the word "trustee," wherever mentioned in this instrument, shall apply to the party of the second part or to any other trustee or trustees succeeding to it in said trust, and shall be held and construed to mean the trustee or trustees for the time being.

In witness whereof, the said The Central Railway Company, in pursuance of the authority conferred upon it by law, and of the resolutions of its stockholders and board of directors, has caused these presents to be signed by its president and secretary, and its corporate seal to be hereto affixed ; and The Central Trust Company, in token of its acceptance of the trusts hereby created, has caused these presents to be signed by its president and secretary and its corporate seal to be hereunto affixed the day and year first above written.

(Signed) A. E. KILLAM,
President.

[SEAL.] (Signed) W. T. WHITEHEAD,
Secretary.

THE CENTRAL TRUST COMPANY OF NEW YORK.
Trustee.

ATTEST : (Signed by) G. SHERMAN,
Vice-President.

[SEAL.] (Signed) C. H. P. BABCOCK,
Secretary.



51 VICTORIA.

CHAP. 84.

An Act respecting the Port Arthur, Duluth and Western Railway Company.

[Assented to 4th May, 1888.]

Preamble.

WHEREAS the Port Arthur, Duluth and Western Railway Company, formerly called the Thunder Bay Colonization Railway Company, was incorporated by an Act of the Legislature of the Province of Ontario passed in the forty-sixth year of Her Majesty's reign, intituled "*An Act to incorporate the Thunder Bay Colonization Railway Company*"; and whereas that Act was amended by three subsequent Acts of the same Legislature, which appear in the Statutes of the said Province as forty-ninth Victoria, intituled "*An Act respecting the Thunder Bay Colonization Railway Company*"; fiftieth Victoria, intituled "*An Act to change the name of the Thunder Bay Colonization Railway Company*"; and fifty-first Victoria, intituled "*An Act to further amend the Acts respecting the Port Arthur, Duluth and Western Railway Company*"; and whereas the said Company is authorized to build its railway from the town of Port Arthur to a point at or near the west or south-west end of Gun Flint Lake, in the said Province, at or near the boundary line between the District of Thunder Bay and the State of Minnesota, one of the United States of America; and whereas it is important to the Company to be able to interchange business with connecting railways at the said boundary line, and the Company has, by its petition, prayed that it should become a railway corporation under and within the jurisdiction of the Parliament of Canada, with all necessary powers to make such connections; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Declaratory.

1. The Port Arthur, Duluth and Western Railway is hereby declared to be a work for the general advantage of Canada.

2. The Port Arthur, Duluth and Western Railway Company, hereinafter called "the Company," is hereby declared to be a body corporate and politic within the jurisdiction of the Parliament of Canada for all and every the purposes mentioned in, and with all and every the franchises, rights, powers, privileges and authorities conferred upon it by virtue of the said recited Acts of the Legislature of the Province of Ontario and each and every of them as set forth in the schedule to this Act, and with the further power of connecting with any other lines of railway in the said State of Minnesota, but subject always to any conditions or limitations imposed by the said recited Acts, or any of them, and to all debts, obligations or liabilities of the Company, and to any rights in any suit or action now pending in any courts of Ontario : Provided however, that "*The Railway Act*" of Canada shall apply instead of "*The Railway Act of Ontario*" to the exercise of the powers given by the said first recited Acts, as amended, with respect to the expropriation of lands and all matters to which "*The Railway Act*" of Canada would apply if the said Company had been originally incorporated by the Parliament of Canada.

Incorporation and powers of the company.

Subject to certain conditions.

Railway Act of Canada to apply.

3. All grants heretofore voted to the Thunder Bay Colonization Railway Company by the Parliament of Canada, may be paid to the Company under the new name conferred upon it by this Act, subject to the provisions of the several Acts relating to such grants.

As to grants made to the company.

4. The Company shall, in all matters, occupy the same position and shall stand in the same plight and condition in every respect as the Company incorporated under the said recited Acts of the Province of Ontario immediately before the time of the passing of this Act, excepting in so far as its powers may be affected by the passing of this Act.

Effect of this Act.

SCHEDULE.

STATUTES OF THE PROVINCE OF ONTARIO.

46 *Victoria*.

An Act to incorporate the Thunder Bay Colonization Railway Company.

[Assented to 1st February, 1883.]

WHEREAS E. A. Wild and others have, by their petition, represented that it is desirable that a railway should be constructed from some point at or near the village of Prince Arthur's Landing, in the district of Thunder Bay, to

Preamble.

some point south-east of Arrow Lake in the same district, and have prayed for an Act accordingly; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. E. A. Wild, Simon J. Dawson, Thomas Marks, Harmon D. Hull, Alfred Boulton, Christopher W. Bunting, Robert Laird, Daniel F. Burk, George T. Marks, William S. Colbron, George S. Hart and Theodore W. Myers, with such other persons and corporations as shall in pursuance of this Act become shareholders of the said Company hereby incorporated, are hereby constituted and declared a body corporate and politic by the name of the Thunder Bay Colonization Railway Company (hereinafter called the Company), and the said several persons in this section named shall be provisional directors of the said Company.

Location of line.

2. The Company shall have full power and authority to construct a railway from some point at or near the village of Prince Arthur's Landing to some point south-east of Arrow Lake, both points in the said district of Thunder Bay.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Power to purchase, &c., wharves, &c.

4. It shall and may be lawful for the Company at any point where the railway or any branch thereof, approaches within two miles of any navigable waters to purchase and hold as its own absolute property, and for the use of the Company, wharves, piers, docks, water lots and lands, and upon the said water lots and lands and in and over the waters adjoining the same to build and erect elevators, store-houses, ware-houses and engine houses, sheds, wharves, docks, piers and other erections for the use of the Company and the steam and other vessels owned, worked or controlled by the Company, or any other steam or other vessels, and to collect wharfage and storage charges for the use of the same, and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works and the said wharves, piers and docks, water lots, lands, elevators, store-houses, ware-houses, engine-houses, sheds and other erections, or any thereof, or any portions thereof in its discretion to sell, lease or convey

Power to purchase and work vessels in connection with railway.

5. It shall and may be lawful for the Company to purchase, build, complete, fit out and charter, sell and dispose of, work and control and keep in repair steam or other vessels, from time to time, to ply on lakes, rivers and canals of this Province in connection with the said railway, and also to make arrangements and agreements with the steamboat and vessel proprietors, by chartering or otherwise, to ply on

the said lakes, rivers and canals in connection with the said railway.

6. The several clauses of the Railway Act of Ontario shall be incorporated with and be deemed to be part of this Act, and shall apply to the Company and to the railway to be constructed by them, except so far as they may be inconsistent with the enactments hereof, and the expression "this Act," when used herein shall be understood to include the clauses of the said Railway Act so incorporated with this Act as aforesaid.

Railway Act
incorporated.

7. The capital stock of the Company shall be five hundred thousand dollars, in five thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in the Company; and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway and the purposes of this Act.

Capital stock.

8. The provisional directors of the said Company shall hold office as such until other directors shall be appointed, under the provisions of this Act, by the shareholders, and it shall be lawful for the provisional directors for the time being of the Company, or a majority of them, present at a meeting called for the purpose to supply the place or places of any of their number from time to time dying or declining or becoming incapable to act as such provisional directors, and to associate with themselves at a meeting called for the purpose of deciding thereon not more than five other persons who shall thereupon become and be provisional directors of the Company equally with themselves.

Provisional
directors to
hold office
until other
directors
appointed.

9. The said board of provisional directors shall have full power to open up stock-books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed and to call a general meeting of the shareholders for the election of directors as hereinafter provided; and such provisional directors may appoint a committee from their number to open such stock books, giving at least four weeks' notice in the *Ontario Gazette* and in one paper published in the village of Prince Arthur's Landing of the time and place of meeting, to open such books and to receive such subscriptions; and the said committee or a majority of them may, in their discretion, exclude any person from subscribing.

Powers of
provisional
directors.

10. When and so soon as shares to the amount of one hundred thousand dollars in the capital stock of the Company shall have been subscribed, and ten thousand dollars shall have been paid into one of the chartered banks of the Dominion having an office in the Province of Ontario (which shall on no account be withdrawn therefrom un-

First election
of directors.

less for the service of the Company) the provisional directors, or a majority of them, present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors giving at least four weeks' notice in a paper published in the village of Prince Arthur's Landing, and in the *Ontario Gazette*, of the time, place and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall, at the opening of such meeting, have paid ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the Company in manner and qualified as hereinafter directed, which said directors shall constitute a board of directors and shall hold office until the next general annual meeting.

Allotment of stock.

11. It shall be lawful for the directors, in procuring subscriptions for stock, to allot such stock in such amounts and subject to the payment of such calls, of such amount and at such times, and at such discount as they may think fit, or they may agree for the sale of such stock or any part thereof at such price as they may think fit, and may stipulate for the payment of the purchase money at the time of subscription or by instalments; and the amount of every such instalment as and when payable shall be deemed to be money due in respect of a call duly made in accordance with the provisions contained in section twenty-seven of "*The Railway Act of Ontario*," and non-payment of any such instalment shall carry with it all the rights, incidents and consequences as mentioned in the said Act as in the case of a call due by a shareholder on a share.

Directors may make certain payments in paid up stock or in bonds.

12. The said provisional directors or the elected directors may pay or agree to pay in paid-up stock, or in the bonds of the said Company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of shareholders at any general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional directors or not, and any agreements so made shall be binding on the Company.

Annual meetings.

13. The general annual meeting of the shareholders of the Company shall be held in such place in the village of Prince Arthur's Landing, or at such other place and on such days and at such hours as may be directed by the by-laws of the Company, and notice thereof shall be sufficient if the same be published once in the *Ontario Gazette* at least four weeks previous to the day of such meeting, and once a week in one newspaper published in the village of Prince Arthur's Landing during the four weeks preceding the week in which such meeting is to be held.

14. Special general meetings of the shareholders of the Company may be held at such place in the village of Prince Arthur's Landing, or at such other place and at such times, and in such manner and for such purposes as may be provided by the by-laws of the Company upon such notice as is provided in the last preceding section. Special general meetings.

15. In the election of directors under this Act, no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the Company, upon which all calls have been paid up. Qualification of directors.

16. Aliens as well as British subjects, and whether resident in this province or elsewhere, may be shareholders in the Company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the Company. Rights of aliens.

17. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business. Quorum of directors.

18. It shall be lawful for the Company to enter into any agreement with any company or companies thereto lawfully authorized for leasing to them the said railway, or any part thereof; and it shall further be lawful for the Company to enter into any agreements with any company or companies for the working of the said railway, or for running powers over the same, on such terms and conditions as the directors of the several contracting companies may agree on, or for leasing and hiring from such other contracting company or companies any portion of their railway or the use thereof, and generally to make any agreement or agreements with any other companies touching the use by one or the other, or by both companies of the railway, or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and any such agreement shall be valid and binding according to the terms and tenor thereof; and the company or companies leasing or entering into agreement for using the said line may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line, and to exercise, so far as the same are applicable, all the rights, powers and privileges by this Act conferred: Provided, that every such lease or agreement shall first be sanctioned at a general meeting called for the purpose of considering the same, according to the by-laws of the Company and the provisions of this Act, by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting. Agreements for lease of railway.

19. It shall be lawful for the directors of the Company to enter into agreement with any company or companies (if lawfully authorized to enter into such an agreement) person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property. Proviso.

Agreements for use of rolling stock, &c.

property from such companies or persons for such time or times and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

Negotiable
instruments.

20. The Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note or bill of exchange made or indorsed by the president of the Company and countersigned by the secretary of the said Company and under the authority of a quorum of the directors, shall be binding on the Company; and every such promissory note or bill of exchange shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the Company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank

Proviso.

Grants of land
to company.

21. Any municipality through which the said railway may pass, is empowered to grant, by way of gift to the Company, any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the Company shall have power to accept gifts of land from any government or any person, or any body politic or corporate, and shall have power to sell, or otherwise dispose of the same, for the benefit of the Company.

Power to hold
additional
property at
the extremi-
ties of the
railway.

Use of
streams.

22. The said Company shall have power to purchase and hold such land as may be required at each extremity of the said railway, for the purpose of building thereon store-houses, warehouses, engine-houses and other erections for the uses of the said Company, and the same, or portions thereof, in their discretion to sell or convey, and also to make use, for the purpose of the said railway, of any stream or watercourse at or near which the said railway passes, doing, however, no unnecessary damage thereto and not impairing the usefulness of such stream or watercourse.

Power to col-
lect back
charges on
goods.

23. The said Company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or

commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

24. It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the Company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in possession or under the control of any joint stock company; and if such highway be either in the possession of, or under the control of any joint stock company, then also with the assent of such Company; and it shall and may be lawful for the Company to enter into and perform any such agreement as they may, from time to time, deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Right to use
highways.

25. For the purpose of constructing, working, and protecting the telegraph lines to be constructed by the Company on their line of railway, the powers conferred upon telegraph companies by the Act respecting electric telegraph companies are hereby conferred upon the Company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the Company.

Telegraph
lines.

26. It shall further be lawful for the council of any municipality in which any part of the said railway is situate, by by-law specially passed for that purpose, to exempt the Company and its property within such municipality, either wholly or in part, from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise, in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Exemption
from taxation.

27. Whenever the Company can obtain the whole of any lot or parcel of land over which the railway is to be carried at a more reasonable price or to greater advantage than by purchasing the railway line only, the Company may purchase, hold and enjoy the whole of such lot or parcel of land and may sell and convey the same, or any part thereof, from time to time, as they may deem it expedient; but the compulsory clauses of the Railway Act shall not apply in this section.

Power to
acquire whole
lots.

28. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part

Power to ac-
quire quarries
and gravel
pits, &c.

part thereof, the Company may, in case they cannot agree with the owner of the lands on which the same is situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of the arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act of Ontario, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the Company, either for the right to the fee simple in the land from which said material shall be taken or for the right to take material for any time they shall think necessary,—the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to
gravel pits,
&c.

29. When said gravel, stone or other material shall be taken under the preceding section of this Act, at a distance from the line of the railway, the Company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found,—whatever the distance may be; and all the provisions of the Railway Act of Ontario, and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the Company may think proper, and the powers in this and the preceding section may, at all times, be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Proviso.

(2.) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

Issue of
bonds.

30. The directors of the Company, after the sanction of the shareholders shall have been first obtained at any annual general meeting, or any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds of the Company for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claim and charge upon the undertaking and real property of the Company, including its rolling stock and equipments, then existing and at any time thereafter acquired; and each

holder of the said bonds shall be deemed a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the Company as aforesaid; and the Company may, by by-law, before issue, fix and define the amount or denomination of such bonds, the time or times and the place or places for payment of the principal moneys thereof, and the interest thereon, and other particulars in reference thereto: *Provido.* that the whole amount of such issue of bonds shall not exceed in all the sum of two hundred and fifty thousand pounds sterling, and that the rate of interest thereon shall not exceed six per centum per annum; and *Provido.* also further, that in the event, at any time, of the interest of the said bonds remaining unpaid and owing, then at the next ensuing general meeting of the Company, and at all subsequent general meetings, so long as such interest or any part thereof shall remain unpaid and in arrear, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting, and for all purposes as are attached to shareholders: *Provido.* that the holder of any bond or bonds shall have, at least three days before any such meeting, produced the bond or bonds held by him to the secretary for registration in his name, or that in the case of the holder of any bond or bonds residing in Great Britain and Ireland, and having such bond or bonds in his custody or under his control, then such holder shall have, at least three days before any such meeting, produced to the secretary a certificate under the hand and official seal of a notary public stating the numbers of such bond or bonds, and that they had been produced before him by such holder; and in either of such cases it shall be the duty of the secretary to register the name of such holder and the numbers of the bonds held by him, but the failure or neglect of the secretary in that respect shall not affect the rights, privileges and qualifications of such holder or holders: any such bondholder shall be entitled to five votes for every bond of the amount of one hundred pounds sterling held by him, or in that proportion.

31. The Company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds, debentures, or mortgage securities, which under the powers of this Act can be issued for the construction of the railway or otherwise. *Power to mortgage bonds.*

32. The railway shall be commenced within two years, and completed within seven years after the passing of this Act. *Time for construction.*

33. Conveyances of land to the Company for the purposes of and powers given by this Act, made in the form set out in the Schedule A hereunder written, or the like effect, shall be sufficient conveyances to the Company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; *Form of conveyance.*

and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicate thereof.

Construction
by ten mile
sections.

34. The Company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the Company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway; and to deposit the same as required by the clauses of the Railway Act of Ontario and amendments thereto, with respect to "plans and surveys," by sections or portions less than the whole length of the said railway authorized, of such length as the Company may, from time to time, see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid, of the map or plan and book of reference, of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act, and the amendments thereof, applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway, as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference, for the whole of the said railway, had been taken, made, examined, certified and deposited, according to the said clauses of the said Railway Act and the amendments thereof, with respect to "plans and surveys."

Power to
erect snow
fences.

35. The Company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages, if any, as may be hereafter established in the manner provided by law, in respect of such railway to have been actually suffered: Provided always, that any such snow fences so erected shall be removed on or before the first day of April following.

SCHEDULE A.

(Section 33.)

Know all men by these presents, that I (or we) (*insert the name or names of the vendor*) in consideration of dollars paid to me (or us) by the Thunder Bay Colonization

Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels *as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said Company for the purposes of its railway, to hold, with the appurtenances, into the said Thunder Bay Colonization Railway Company, its successors and assigns (*here insert any other clauses, conditions and covenants required*) and I (or we) wife (or wives) of the said do hereby bar my (or our) dower in the said lands; as witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered)
in the presence of)

[L.S.]

49 *Victoria.*

An Act respecting the Thunder Bay Colonization Railway Company.

[Assented to 25th March, 1886.]

WHEREAS the Thunder Bay Colonization Railway Company has, by its petition, prayed for power to extend its line from a point at or near Whitefish Lake to a point at or near Nameukan Lake with a branch to a point near Crooked Lake; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Company shall have full power and authority to extend their line of railway from a point at or near Whitefish Lake to a point at or near Nameukan Lake, with a branch to a point at or near Crooked Lake, the said railway passing through Hunter's Island. Location of line.

2. Section 7 of the Act passed in the 46th year of the reign of Her present Majesty, chaptered 56, is hereby amended by striking out the words "five" in the first and second lines of the said section, and inserting the words "twelve" in the place thereof. 46 V., c. 56,
s. 7, amended.

3. Section 30 of the said Act is hereby amended by striking out the word "two" in the twentieth line of the said section and inserting the word "six" in the place thereof. 46 V., c. 56,
s. 30,
amended.

An Act to change the name of the Thunder Bay Colonization Railway Company.

[Assented to 23rd April, 1887].

Preamble.

WHEREAS the Thunder Bay Colonization Railway Company was duly incorporated under the provisions of an Act of the Legislature of Ontario, passed in the forty-sixth year of Her Majesty's reign, chaptered fifty-six; and whereas certain further powers were given and amendments made by an Act of the Legislature of Ontario, passed in the forty-ninth year of Her Majesty's reign, chaptered seventy-nine; and whereas the said Thunder Bay Colonization Railway Company has, by its petition, prayed that its corporate name may be changed; and whereas it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Name changed.

1. The corporate name of the said Company shall be changed to that of "The Port Arthur, Duluth and Western Railway Company," by which name instead of "The Thunder Bay Colonization Railway Company," the said Company shall have and exercise all the powers and privileges granted by the said Acts or any other Acts relating to the said Company.

Right to certain subsidies not affected.

2. Notwithstanding the said change of name it shall be lawful for the said Company to apply for and receive in the name of the Thunder Bay Colonization Railway Company all subsidies or aid granted to the Thunder Bay Colonization Railway Company under or by virtue of any Act of the Parliament or Order in Council of the Dominion of Canada, in the same manner as if this Act had not been passed.

46 V., c. 56, s. 30 & 49 V., c. 79, s. 3, repealed.

3. Section 30 of the Act passed in the 46th year of Her Majesty's reign, chaptered 56, as amended by section 8 of the Act passed in the 49th year of Her Majesty's reign, chaptered 79, is hereby repealed, and the following section is substituted therefor:

Issue of bonds.

"The directors of the Company, after the sanction of the shareholders shall have been first obtained at any annual general meeting, or any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds of the Company for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claim and charge upon the undertaking and real property of the Company, including its rolling stock and equipments then existing, and at any time thereafter acquired; and each holder of

the said bonds shall be deemed a mortgagee and incumbrancer *pro ratâ* with all the other holders thereof upon the undertaking and the property of the Company as aforesaid ; and the Company may, by by-law before issue, fix and define the amount or denomination of such bonds, the time or times and the place or places for payment of the principal moneys thereof and the interest thereon, and other particulars in reference thereto: Provided however, that the whole amount of such issue of bonds shall not exceed twenty thousand dollars per mile of the said railway, and that the rate of interest thereon shall not exceed six per centum per annum ; and provided also further, that in the event at any time of the interest of the said bonds remaining unpaid and owing, then at the next ensuing general meeting of the Company, and at all subsequent general meetings, so long as such interest or any part thereof shall remain unpaid and in arrear, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting, and for all purposes as are attached to shareholders ; provided that the holder of any bond or bonds shall have, at least three days before any such meeting, produced the bond or bonds held by him to the secretary, for registration in his name, or that in the case of the holder of any bond or bonds, residing in Great Britain and Ireland and having such bond or bonds in his custody or under his control, then such holder shall have, at least three days before any such meeting, produced to the secretary a certificate under the hand and official seal of a notary public, stating the numbers of such bond or bonds, and that they had been produced before him by such holder ; and in either of such cases it shall be the duty of the secretary to register the name of such holder and the numbers of the bonds held by him, but the failure or neglect of the secretary in that respect shall not affect the rights, privileges and qualifications of such holder or holders ; any such bondholder shall be entitled to five votes for every bond of the amount of one hundred pounds sterling held by him, or in that proportion.

51 *Victoria.*

An Act to further amend the Acts respecting the Port Arthur, Duluth, and Western Railway Company.

[Assented to 23rd March, 1888]

WHEREAS the Port Arthur, Duluth, and Western Railway Company has, by its petition, prayed for power to vary the route of its main line of railway ; and whereas it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

49 V., c. 79,
s. 1 repealed

1. Section 1 of the Act passed in the 49th year of Her Majesty's reign, chaptered 79, is hereby repealed and the following substituted therefor :—

Location of
line.

"1. The said Company shall have full power and authority to construct their line from a point in or near the town of Port Arthur by way of Whitefish Lake to a point at or near the west or south-west end of Gun Flint Lake."

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 85.

An Act to confirm the Charter of Incorporation of the
Great North-West Central Railway Company.

[Assented to 22nd May, 1888.]

WHEREAS by an Act of the Parliament of Canada passed Preamble.
in the Session held in the forty-ninth year of Her
Majesty's reign, chaptered eleven, and intituled "*An Act* 49 V., c. 11.
to authorize the grant of certain subsidies in land for the
construction of the railways therein mentioned," it was
provided that, for the purpose of incorporating the persons
undertaking the construction of the North-West Central
Railway and those who should be associated with them in
the undertaking, the Governor in Council might grant to
them, under such corporate name as he should deem expe-
dient, a charter conferring upon them the franchises,
privileges and powers requisite for the said purposes, which
should be similar to such of the franchises, privileges and
powers granted to railway companies during the said Ses-
sion, as the Governor should deem most useful or appro-
priate to the said undertaking, and that such charter, being
published in the *Canada Gazette*, with any Order or Orders
in Council relating to it, should have force and effect as if
it were an Act of the Parliament of Canada, and otherwise
as therein set out; and whereas under and in pursuance of
the said Act, the Governor in Council did, on the twenty-
second day of July, one thousand eight hundred and eighty-
six, approve of an Order in Council granting a charter to the
persons therein named for the purposes aforesaid and incor-
porating them, together with such other persons as might
become shareholders in the Company thereby incorporated,
as a body corporate and politic by the name of "*The Great*
North-West Central Railway Company,"—which said charter
and the further Order in Council of the third day of August,
one thousand eight hundred and eighty-six, amending the
provisions thereof respecting the bond issue of the said
Company, were accordingly duly published in the *Canada*
Gazette on the sixth day of November, one thousand eight
hundred and eighty-six; and whereas the Company has

been duly organized and has commenced and is prosecuting, under the said charter, the work of construction of the said railway; and whereas the said Company has, by its petition, prayed for the confirmation of the said charter as thus amended, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Charter confirmed.

1. The said charter, amended in the fourteenth section thereof as provided by Order in Council approved on the third day of August, one thousand eight hundred and eighty-six, and set out in the schedule to this Act, is hereby confirmed as thus amended, and is declared to have the same force and effect as if it were an Act of the Parliament of Canada since the grant and publication thereof.

Section 5 of charter amended.

2. The fifth section of the said charter, set out in the schedule hereto, is hereby further amended by adding at the end of the said section the words "of whom a majority shall form a quorum."

Schedule incorporated.

3. The said schedule following shall be read with and form a portion of this Act, that is to say:—

SCHEDULE.

JOHN J. MCGEE,
Deputy Governor.

CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in any wise concern,— GREETING :

Recital,

49 V., c. 11.

Whereas by an Act of the Parliament of Canada passed in the Session held in the 49th year of Her Majesty's Reign, and chaptered 11, it is in effect enacted, that the Governor in Council may grant to the North-West Central Railway Company, or to such other company as may undertake the construction of the railway or a railway from a point on the Manitoba and North-Western Railway, *viâ* Rapid City, westward, Dominion lands to the extent of six thousand four hundred acres for each mile of the Company's railway, for the whole distance from Brandon Station, on the Canadian Pacific Railway, or from such point on the Manitoba and North-Western Railway, as aforesaid, to Battleford, in the Provisional District of Saskatchewan, about four hundred and fifty miles ;

And whereas it is in and by the said Act further enacted, that inasmuch as it may become necessary for the construction of the railway in respect of which the granting of a subsidy is authorized by the second section of the said Act, that a company should be incorporated with the powers requisite for such construction, and for making financial arrangements for the purposes thereof; therefore, that for the purpose of incorporating the persons undertaking the construction of the said railway, or a railway from a point on the Manitoba and North-Western Railway, *viâ* Rapid City, westward, and for the incorporation of those who shall be associated with them in the undertaking, the Governor in Council may grant to them, under such corporate name as he shall deem expedient, a charter conferring upon them the franchises, privileges and powers requisite for the said purposes, which shall be similar to such of the franchises, privileges and powers granted to railway companies during the present Session, as the Governor shall deem most useful or appropriate to the said undertaking; and such charter, being published in the *Canada Gazette*, with any Order or Orders in Council relating to it, shall have force and effect as if it were an Act of the Parliament of Canada: Provided always, that in the event of a company being so incorporated, it shall be provided in the charter that such company shall be subject to all the present legal obligations of the North-West Central Railway Company, in relation to the said railway;

Now Know Ye, that, by and with the advice of Our Privy Council for Canada, and under the authority of the hereinbefore in part recited Act, and of any other power and authority whatsoever in Us vested in this behalf, We do, by these Our Letters Patent, grant a charter unto the persons hereinafter mentioned by name and to those who may be associated with them for the purposes hereof, conferring upon them the franchises, privileges and powers hereinafter set forth, that is to say:—

1. Honorable Francis Clemow, of the City of Ottawa, senator, Charles Thornton Bate, of the same place, esquire, William Anderson Allan, of the same place, contractor, James Murray, of St. Catharines, contractor, and Alphonse Charlebois, of the City of Quebec, contractor, together with such other persons as may become shareholders in the company to be hereby incorporated, are hereby declared to be a body corporate and politic by the name of "The Great North-West Central Railway Company," hereinafter called "the company,"—and the said railway and the works hereby authorized are hereby declared to be for the general advantage of Canada; and "*The Consolidated Railway Act*, 42 V., c. 9, 1879," and the Acts amending the same, shall, as hereby modified, apply to the said railway as if this charter were an Act of the Parliament of Canada.

Line of railway described.

2. The Company may lay out, construct and operate a railway from a point on the Canadian Pacific Railway at or near Brandon, in the Province of Manitoba, to the Rocky Mountains *viâ* Battleford; and also build and operate branch lines of railway from the first above described line,—all such lines to be approved by the Governor in Council.

Provisional directors and their powers.

3. The said Francis Clemow, Charles Thornton Bate, William Anderson Allan, James Murray and Alphonse Charlebois, shall be provisional directors of the Company (of whom four shall be a quorum) and shall hold office as such until the first election of directors under this charter, and shall have power forthwith to open stock books, procure subscriptions for stock for the undertaking, make calls on stock subscribed, receive payments thereon, make or cause to be made, plans and surveys of the works herein contemplated, and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed, or otherwise received on account of the Company, and to withdraw the same for the purposes only of the undertaking, and to receive on behalf of the Company, any grant, loan, bonus or gift made to it in aid of the undertaking or any portion of it.

Capital stock and shares.

4. The capital stock of the Company shall be two millions of dollars (with power to increase the same in the manner provided by "*The Consolidated Railway Act, 1879,*" and the Acts amending the same) to be divided into shares of one hundred dollars each; and the money so raised shall be applied in the first place to the payment of all expenses and disbursements connected with the organization of the company, and other preliminary expenses, and making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, completing and equipping and maintaining of the said railway and other purposes of this charter, and no other purpose whatsoever.

First meeting of shareholders.

5. When twenty-five per cent of the stock has been subscribed and ten per cent, thereof has been paid into some chartered Bank to the credit of the company or to the credit of the Receiver General, the provisional directors shall call a general meeting of the subscribers to the capital stock to be held at Ottawa, Province of Ontario, for the purpose of electing five directors,—giving at least two weeks' previous notice of such meeting in the *Canada Gazette* and in some daily newspaper published in the said City of Ottawa, and also by circular addressed by mail to each subscriber, stating the time, place and purpose of the said meeting; and at such general meeting the shareholders may choose five persons qualified as hereinafter mentioned to be directors of the company who shall constitute a board of directors and shall hold office until the first Tuesday in June in the year following their appointment.

Notice.

Election of directors.

6. Thereafter the annual general meeting of the shareholders for the election of directors and other general purposes shall be held at such place as may be appointed by by-law of the company on the first Tuesday in the month of June in each year, and two weeks' previous notice shall be given by publication in the *Canada Gazette* and in one newspaper published in the Province of Manitoba and in one newspaper published in the City of Ottawa.

Annual general meeting.

7. No person shall be elected a director of the company unless he shall be the holder and owner of at least fifty shares in the stock of the company and shall have paid up all calls thereon; Provided always, that the directors so elected may by by-law or resolution passed by them close the stock books after shares to the amount of five hundred thousand dollars shall have been subscribed, and may, from time to time, re-open said stock books and receive subscriptions for additional shares of stock up to the limit authorized by this charter, when and as the same shall be required for the purposes of the company.

Qualification of director.

Books may be closed and re-opened.

8. No call to be made at any time upon the capital stock shall exceed ten per centum on the subscribed capital, and not less than thirty days shall intervene between any one call and a succeeding call.

Calls.

9. The provisional directors or elected directors may make or issue stock as paid-up stock and may pay or agree to pay in such paid-up stock or in the bonds of the company such sums as they may deem expedient to engineers or contractors or for right of way or material, plant or rolling stock, and for the services of such persons as have been or may be employed by the said directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling stock.

Paid up stock may be issued for certain purposes.

10. It shall be lawful for the provisional or elected directors, when authorized by the shareholders at any general meeting or special meeting called for that purpose, to accept payment in full for stock from any subscriber therefor at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount as they may deem expedient and reasonable; and thereupon to issue to such subscriber scrip to the full amount of such stock subscribed.

Payment of stock in full.

11. The said company may, for the purposes of the railway, receive from the Government of Canada, from any Government, person or body corporate, in aid of the construction, equipment and maintenance of the said railway, grants of land, bonuses, loans or gifts of money or securities for money, and may from time to time purchase from the Government of Canada land in the North West Territories, and may sell, convey and mortgage the same for the purpose of raising money for the prosecution of the undertaking.

Grants in aid may be received.

Bridges may
be built.

12. The company shall have power and authority to lay out and construct, complete, maintain, work, manage and use a railway bridge over any navigable stream or streams on the line of the said railway ; and the sections of "*The Consolidated Railway Act, 1879*," and of the Acts amending the same under the head of "powers," "plans and surveys," and "lands and their valuation," shall, so far as necessary, apply to the power hereby given.

Plans to be
submitted for
approval.

13 The company shall not commence any such bridge or any work thereunto appertaining, until the company shall have submitted to the Governor in Council plans of such bridge and of all the intended works thereunto appertaining, nor until the plan and site of such bridge shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching any such bridge and works shall have been complied with ; nor shall any such plan be altered, nor any deviation therefrom allowed except upon the permission of the Governor in Council and upon such conditions as he shall impose ; provided always, that if any such bridge be placed over any such river or stream at a place where the same is navigable, and if the Governor in Council shall determine that such bridge shall be a drawbridge, the same shall be constructed so as to have one draw in the main channel of such river or stream, which draw shall be of such width as the Governor in Council may determine, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river or stream ; and the said draw shall, at all times during the season of navigation, be kept open, except when actually required to be closed for the passage of railway trains, and shall be otherwise tended and moved at the expense of the company, so as not to hinder unnecessarily the passage of any vessel ; from sundown until sunrise during the season of navigation suitable lights shall be maintained on any such bridge, to guide vessels approaching the said draw.

No deviation
from plan.

Drawbridges.

Lights

Issue of
bonds.

14. The directors of the Company, under the authority of the shareholders to them given by a resolution of a special general meeting called for that purpose, are hereby authorized to issue bonds under the seal of the said Company, signed by its president or other presiding officer and countersigned by its secretary and treasurer, and such bonds shall be made payable at such times and in such manner and at such place or places in Canada or elsewhere, and bearing such rate of interest as the directors shall think proper ; and the directors shall have power to issue and sell or pledge all or any of the said bonds at the best price and upon the best terms and conditions which, at the time, they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking : Provided, that the amount of bonds so issued, sold or pledged shall not exceed twenty thousand dollars per mile to be issued in proportion

Disposal of
bonds.

Amount
limited.

to the length of railway constructed or under contract to be constructed : Provided also, that no such bonds shall be issued until at least five hundred thousand dollars shall have been subscribed to the capital stock and ten per centum of the same *bonâ fide* paid thereon ; but notwithstanding anything in this charter contained the Company may secure the bonds to be issued by them by a mortgage deed, creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future or both, as shall be described in said deed ; but such rents and revenues shall be subject in the first instance to the payment of working expenses of the railway ; and by the said deed the company may grant to the holders of such bonds or to the trustee or trustees named in such deed all and every the powers and remedies granted by this charter in respect of said bonds, and all other powers and remedies not inconsistent with this charter, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this charter, as the case may be ; and all such powers, rights and remedies as shall be so contained in such mortgage deed shall be valid, binding and available to the bondholders in the manner and form as herein provided.

Time of issue.

May be secured by mortgage deed.

Powers may be granted by deed.

15. The bonds hereby authorized to be issued shall, without registration or formal conveyance, be the first preferential claims and charges upon the said Company and the undertaking, tolls and income and real and personal property thereof now or at any time hereafter acquired, save and except as is provided for in the last preceding clause ; and each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities, and shall have priority as such.

Bonds a first charge.

16. If the Company shall make default in paying the principal of, or interest on any of the bonds hereby authorized, at any time when the same shall, by the terms of the bonds, become due and payable, then, at the next ensuing annual general meeting of the said company and all subsequent meetings, all holders of bonds so being and remaining in default shall, in respect thereof, have and possess the same rights, privileges and qualifications for directors and for voting at general meetings as would be attached to them as shareholders if they had held fully paid up shares of the Company to a corresponding amount : Provided, nevertheless, that the right given by this section shall not be exercised by any bondholder, unless the bonds in respect of which he shall claim to exercise such rights shall have been first registered in his name in the same manner as is provided by law for the registration of the shares of the said Company ; and for that purpose the Company shall be bound on demand to register any of the said bonds and to register any transfer thereof in the same manner as a transfer of shares : Provided also, that the exercise of the rights given by this section

Powers of bondholders in case of non-payment.

Bonds to be registered.

Rights saved.

shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds shall be entitled.

Transfer of
bonds, &c.

17. All bonds, debentures and other securities hereby authorized and the coupons and interest warrants thereon respectively may be made payable to bearer, and shall in that case be transferable by delivery, unless and until registry thereof in the manner provided in the next preceding clause, and while so registered they shall be transferable by written transfer registered in the same manner as in the case of shares; but they shall again become transferable by delivery, upon the registration of a transfer to bearer, which the Company shall be bound to register on the demand of the registered holder for the time being.

Deeds need
not be regis-
tered.

18. It shall not be necessary, in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or be created by any bond issued or mortgage deed executed under the provisions of this charter, that such bond or mortgage deed should be enregistered in any manner or in any place whatever, but every such mortgage deed shall be deposited in the office of the Secretary of State,—of which deposit notice shall be given in the *Canada Gazette*; a copy of such mortgage deed certified to be a true copy by the Secretary of State or his deputy shall be received as *prima facie* evidence of the original in all courts of justice without proof of the signatures or seal upon such original.

Deposit of
deed.

land and pro-
ceeds thereof.

19. The lands to be acquired by the Company or granted by the Government and held for sale for the purposes thereof may be conveyed to trustees to be held and conveyed by them upon the trusts and for the purposes herein declared in reference to such lands, and all moneys arising from the sale of such lands shall be held and applied in trust for the purposes following, that is to say: first, in payment of the expenses connected with the acquisition, survey, management and sale of the lands; secondly, in payment of dividends and interest on the bonds from time to time payable in cash by the Company; thirdly, in payment and redemption of the said bonds when and as they become due respectively; fourthly, for the general purposes of the Company.

Release of
lands sold.

20. All lands sold and conveyed by the said Company or by the said trustees after a conveyance thereof to them upon the trusts aforesaid and which have been paid for in cash, shall be for ever released and discharged from all mortgages, liens and charges of any kind or nature by this charter or by the said Company created; and the purchase money arising from the sale of such lands by the Company or trustees shall be applied in the first place in the satisfaction of any mortgage thereon created by the Company, and after payment of any such mortgage or lien created by

the Company thereon, shall be applied in accordance with the trusts in the next preceding clause declared.

21. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than one hundred dollars, and any such note or bill made, accepted or indorsed by the president or vice-president thereof as president or vice-president thereof, and countersigned by the secretary and under the authority of a majority or quorum of the directors, shall be binding on the said Company; and any such promissory note or bill of exchange so made as aforesaid shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible or liable for the same unless the said promissory notes or bills of exchange have been issued other than as aforesaid: Provided however, that nothing in this clause shall be construed to authorize the Company to issue any note or bill payable to bearer or intended to be circulated as money or as the bills or notes of a bank.

Promissory
notes may be
made.

No note to be
payable to
bearer.

22. It shall be lawful for the Company to enter into any agreement with any other company for the use or partial use of the railway of the company, or for the leasing or hiring from such other company any other railway or part thereof or the use thereof and for any period or term, or for the leasing or hiring any locomotives, cars or movable property.

Agreements
with other
companies.

23. Any lands acquired by the Company before or after the passing of this charter, which are not required for the right of way or actual working of the said railway, may be sold, mortgaged or disposed of as the directors of the said Company think necessary and advantageous for the purposes of the Company; and the said lands shall not be subject to any lien or charge for the bonds issued by the said Company, unless so made by a mortgage executed thereon by the Company.

Disposal of
surplus land.

24. The Company shall have the right to acquire and take in the manner provided by "*The Consolidated Railway Act, 1879*," and the Acts amending the same, such additional width of land along the line of the railway and its branches as may be needed for snow fences and barriers, and the Company may erect such fences and barriers, wherever the same may be requisite in the opinion of the Company, on any lands near to the line of the said railway on such terms and subject to the payment of such compensation to the owners of the said lands as may be agreed on or as may be determined by arbitration in the manner provided by the sections of the said "*The Consolidated Railway Act, 1879*" relating to lands and their valuation.

Acquisition of
land.

Compensation.

Telegraph
and telephone
lines.

25. The Company shall have full power and authority to construct, work and operate such line or lines of telegraph or telephone in connection with and along their line of railway and branches as may be necessary or useful for the purposes of their undertaking.

Running pow-
ers in behalf
of C. P. R.

26. The Governor in Council shall have for and on behalf of the Canadian Pacific Railway running powers over the said road, subject to such terms as shall be agreed upon with the Company, or, on failure to agree, as shall be fixed and determined by arbitrators to be appointed by such Company and the Governor in Council respectively, and such third person as shall be appointed by a judge of the Supreme Court of Canada at the request of the said Company or of the Minister of Railways and Canals.

Certain debts
to be paid by
the company.

27. Provided always that the Company hereby incorporated shall be and remain liable for, and shall pay and discharge all debts which were due on or before the second day of June last past by the North-West Central Railway Company, and the Souris and Rocky Mountain Railway Company or either of them for railway construction, and which have not since been paid and discharged, and the said Company hereby incorporated in accepting this charter, do for themselves and their successors covenant, promise and agree to and with Her Majesty The Queen, Her heirs and successors, that they will fully pay and discharge all such debts, and will cause all just claims for labor, board of laborers employed in or about such construction, and building materials in respect of such construction due by contractors to be paid by such contractors.

Form of Conveyance of land to Company.

Form of con-
veyance of
land.

Deeds of conveyance of lands to the Company (not being letters patent from the Crown), may, in so far as circumstances will admit, be in the form following, that is to say:

Know all men by these presents, that I, A. B., in consideration of _____ paid to me by the Great North West Central Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said Great North-West Central Railway Company, their successors and assigns, all that tract or parcel of land (*describe the land*) to have and to hold the said land and premises unto the said Company, their successors and assigns, for ever

Witness my hand and seal this _____ day of _____, one thousand eight hundred and _____.

A. B. (L.S.)

Signed, sealed and delivered }
in the presence of }

C. D.

E. F.

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or in any other form to the like effect; and every deed made in accordance herewith shall be held and construed to impose upon the vendor executing the same, the obligation of guaranteeing the Company and its assigns against all dower and claim for dower, and against all hypothecs and mortgages, and against all liens and charges whatsoever, not excepted in the grant, and also that he has a good, valid and transferable title thereto.

Effect of conveyance.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. WITNESS, JOHN JOSEPH MCGEE, Esquire, Deputy of Our Right Trusty and Entirely Beloved Cousin the Most Honorable Sir HENRY CHARLES KEITH PETTY-FITZMAURICE, Marquis of Lansdowne, in the County of Somerset, Earl of Wycombe, of Chipping Wycombe, in the County of Bucks, Viscount Calne and Calnstone in the County of Wilts, and Lord Wycombe, Baron of Chipping Wycombe, in the County of Bucks, in the Peerage of Great Britain; Earl of Kerry, and Earl of Shelburne, Viscount Clanmaurice and Fitzmaurice, Baron of Kerry, Lixnaw, and Dunkerron, in the Peerage of Ireland; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George; Governor General of Canada, and Vice Admiral of the same.

At Our Government House, in Our City of Ottawa, this twenty-second day of July, in the year of Our Lord one thousand eight hundred and eighty-six, and in the Fiftieth year of Our Reign.

By Command,

G. POWELL,
Under Secretary of State.

GEO. W. BURBIDGE,
Deputy of the Minister of Justice,
Canada.

REPORT of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 3rd August, 1886.

On a report dated 30th July, 1886, from the Minister of Public Works for the Minister of Railways and Canals, representing that the Honorable Mr. Clemow on behalf of the corporators to whom a charter was granted by Order in Council dated 22nd July, 1886, under the name of "The Great North-West Central Railway Company," has declined to accept the charter on the ground that the bond issue by the Company is therein restricted to \$20,000 per mile, and that it appears that the arrangements made by the Company

Recital.

have

have been predicated on an issue of \$25,000 per mile, which limit has been sanctioned in the case of several other companies to whom charters were granted at the last Session of Parliament :

The Minister further represents that inasmuch as the Act of last Session, 49 Victoria, chapter 11, under which the charter of the Great North West Central Railway Company is granted, authorizes the conferring on the corporators of the franchises, privileges and powers necessary for the undertaking and such as were granted to railway companies during that session, and as he sees no objection under the circumstances to increase the limit of the bond issue as asked for by the corporators, he recommends that the 14th clause of the charter be so amended as to permit the issue by the Company of bonds to the amount of \$25,000 per mile.

Section 14 of
charter
amended.

The Committee, concurring in the above, advise that the requisite authority be granted to amend the charter accordingly.

JOHN J. MCGEE,
Clerk, Privy Council.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 86.

An Act to amend the Acts relating to the Manitoba and North-Western Railway Company of Canada.

[Assented to 4th May, 1888.]

WHEREAS the Manitoba and North-Western Railway Company of Canada have, by their petition, prayed that certain amendments may be made to the Acts relating to the said Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section seventeen of the Act passed in the session held in the forty-fifth year of the reign of Her Majesty, chapter eighty, and section five of the Act passed in the session held in the forty-seventh year of the reign of Her Majesty, chapter sixty-nine, are hereby repealed.

Section 17 of 45 V., c. 80 and s. 5, of 47 V., c. 69 repealed.

2. The Company shall complete not less than twenty miles of their railway, as defined by their Act of incorporation and amending Acts, during this and each calendar year hereafter, to the satisfaction of the Governor in Council; failing which the power granted to the Company to extend their line of railway any further distance than the length of railway then completed shall be forfeited.

Time for construction limited.

3. The directors of the Company may make and issue as paid up stock, shares in the Company whether subscribed for or not and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls; and all paid up stock heretofore issued and allotted in accordance with the provisions of this section is hereby legalized and confirmed.

Paid up stock may be issued for certain purposes.



51 VICTORIA.

CHAP. 87.

An Act to amend the Acts relating to the Wood Mountain and Qu'Appelle Railway Company.

[Assented to 22nd May, 1888.]

Preamble.

WHEREAS the Wood Mountain and Qu'Appelle Railway Company have, by their petition, prayed that certain amendments may be made to the Acts relating to the said Company, and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

46 V., c. 74.

I. Notwithstanding anything contained in the Act passed in the session held in the forty-sixth year of Her Majesty's reign, chaptered seventy-four, intituled "*An Act to incorporate the Wood Mountain and Qu'Appelle Railway Company*," or

48-49 V., c. 16

in the Act amending the said Act, passed in the session held in the forty-eighth and forty-ninth years of Her Majesty's reign, chaptered sixteen, the time for completing the first section of the road between Fort Qu'Appelle and the Canadian Pacific Railway is hereby extended to the thirtieth day of September, in the present year, one thousand eight hundred and eighty-eight, and one hundred miles of the road shall be completed by the thirty-first day of December next thereafter.

Time for construction extended.

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51 VICTORIA.

CHAP. 88.

An Act to amend the Act incorporating the Shuswap and Okanagon Railway Company.

[Assented to 4th May, 1888.]

WHEREAS the Shuswap and Okanagon Railway Com- Preamble.
pany have, by their petition, prayed for certain amend-
ments to their Act of incorporation, and it is expedient to
grant the prayer of the said petition: Therefore Her Majesty,
by and with the advice and consent of the Senate and House
of Commons of Canada, enacts as follows:—

1. Sub-section two of section fifteen of the Act forty- Section 15 of
ninth Victoria, chapter eighty-two, incorporating the Com- 49 V., c. 82
pany, is hereby amended by substituting the words amended.
“twenty-five thousand dollars per mile” instead of the
words “twenty thousand dollars per mile” in the eleventh
line thereof; and the Company is hereby authorized to make
and issue bonds to the extent of twenty-five thousand dollars Issue of
per mile, in the manner mentioned in the said Act, and sub- bonds.
ject to the provisions therein contained.

2. Section twenty-two of the said Act is hereby repealed Time for con-
and in lieu thereof it is hereby enacted that the works upon struction ex-
the main line of the said railway shall be commenced tended.
within two years and completed within five years from
the passing of this Act.

3. Notwithstanding anything in the twelfth section of Number of
the Act incorporating the Company contained, the number directors.
of directors to be elected at all future elections of directors
of the Company shall be seven, of whom four shall be a
quorum.

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Excellent Majesty.



51 VICTORIA.

CHAP. 89.

An Act to enable the Esquimalt and Nanaimo Railway Company to run a Ferry between Beecher Bay, in British Columbia, and a point on the Straits of Fuca, within the United States of America.

[Assented to 4th May, 1888.]

Preamble.

WHEREAS the Esquimalt and Nanaimo Railway Company are desirous of being allowed to construct, maintain and work a steam ferry from the proposed terminus of their railway line at Beecher Bay, on the north side of the Straits of Fuca, in British Columbia, to a point on the south side of the said Straits of Fuca, in the territory of the United States of America, for the purpose of connecting with the American system of railways; and whereas a petition has been presented praying that an Act may be passed for that purpose, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**Steam ferry
may be estab-
lished.**

1. The Esquimalt and Nanaimo Railway Company may for the purposes of their railway, construct, maintain and work a steam ferry between Beecher Bay, in the Province of British Columbia, the proposed terminus of their railway on the Straits of Fuca, and some point on the Straits of Fuca, within the United States of America.

OTTAWA: Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 90.

An Act to incorporate the Grenville International Bridge Company.

[Assented to 22nd May, 1888.]

WHEREAS the construction and operation of a railway bridge across the River St. Lawrence, in or near the town of Prescott or some other point in the county of Grenville, to the city of Ogdensburg or some other point in the State of New York, one of the United States of America, with one or more lines of railway to connect the said bridge with the railways in the county of Grenville, would be of great advantage to the public; and whereas a petition has been presented praying for the incorporation of a Company for that purpose, and it is expedient to grant in part the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. Hon. A. W. Ogilvie, Sir Alex. T. Galt, F. W. Henshaw, C. S. Gzowski, Andrew F. Gault and D. Morrice, all of the city of Montreal, and J. A. Gemmill, of the city of Ottawa, barrister-at-law, together with such persons as under the provisions of this Act become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Grenville International Bridge Company," hereinafter called the Company.

Incorporation.
Corporate name.

2. The head office of the Company shall be in the city of Montreal; but the board of directors may establish one or more offices in other places in Canada or elsewhere.

Offices of the company.

3. The Company may lay out, construct, work, maintain, manage and use a railway bridge, with the necessary approaches, over the River St. Lawrence, at or near the town of Prescott, or some other point in the county of Grenville, to the city of Ogdensburg, in the State of New York, one of the United States of America; and may construct and arrange the said bridge for the use and passage of foot

Railway bridge over the St. Lawrence.

Connecting
lines of rail-
way.

passengers and vehicles, or either, as and whenever they deem advisable; and may also, to connect the said railway bridge with existing and future lines of railway in the county of Grenville, lay out, construct and operate one or more lines of railway, not exceeding six miles in length, of the gauge of four feet eight and one-half inches:

Tolls on foot
bridge to be
subject to ap-
proval.

2. If the Company construct or arrange the said bridge for the use of foot passengers and carriages, as well as for railway purposes, then the tolls to be charged for the passage of such foot passengers and carriages shall, before being imposed, first be submitted to and approved of, and may be amended and modified from time to time, by the Governor in Council; but the Company may, at any time, reduce the same, and a notice showing the tolls authorized to be charged shall, at all times, be posted up in a conspicuous place on the said bridge.

Tariff to be
posted up.

Provisional
directors and
their powers.

4. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, of whom a majority shall be a quorum, and the said provisional directors shall hold office as such until the first election of directors under this Act, and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed, and cause plans and surveys to be made, and deposit in any chartered bank of Canada moneys received by them on account of stock subscribed,—which moneys shall not be withdrawn, except for the purposes of the undertaking or upon the dissolution of the Company, for any cause whatsoever.

Moneys depo-
sited to be
withdrawn
for certain
purposes
only.

Capital stock
and shares.

5. The capital stock of the Company shall be two millions of dollars, divided into shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates of the works hereby authorized; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railways and bridge, and other purposes of this Act.

First meeting
of shareholder-
ers.

6. So soon as five hundred thousand dollars of the said capital have been subscribed as aforesaid, and ten per cent. thereof paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company, at the city of Montreal, at such time and place as they think proper, giving at least fourteen days' notice thereof in the *Canada Gazette* and in one or more of the daily newspapers published in the city of Montreal,—at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them shall elect seven directors from the shareholders possessing

Notice there-
of.

the qualifications hereinafter mentioned, of whom a majority shall form a quorum ; and such directors shall hold office until the next annual general meeting of the shareholders, as hereinafter provided. Election of directors.

7. The annual general meeting of the shareholders, for the election of directors and other general purposes, shall be held on the second Wednesday of March in each year, at the head office of the Company or elsewhere in Canada, as may be appointed by by-law ; and notice of the hour and place of such meeting shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more daily newspapers published in the city of Montreal. Annual general meeting

8. At such annual general meeting the subscribers for the capital stock assembled who have paid all calls due on their shares shall choose seven persons to be directors of the Company, of whom a majority shall be a quorum, and one or more of whom may be paid directors of the Company. Number of directors.

Paid directors.

9. No person shall be elected a director of the Company unless he is a shareholder holding at least fifty shares in the stock of the Company, and has paid up all calls made thereon and then due. Qualification of directors.

10. The directors of the Company, or of the consolidated company hereinafter mentioned, under the authority of the shareholders to them given at any special general meeting called for the purpose in the manner hereinbefore mentioned, attended by shareholders in person or represented by proxy, who represent at least two-thirds in value of the subscribed stock of the Company, and who have paid all calls due thereon, may issue bonds signed by the president or other presiding officer and countersigned by the secretary,—which counter-signature and the signature to the coupons attached to such bonds may be engraved ; and such bonds may be made payable at such times and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest as the directors think proper : Issue of bonds.

2. The directors may issue and sell or pledge all or any of the said bonds, at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking : Disposal of bonds.

3. The amount of such bonds so issued, sold or pledged shall not exceed two millions of dollars. Amount limited.

11. The Company may secure such bonds by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future or both, as are described in the said deed ; but such rents and revenues shall be sub-

Working expenditure.

Powers granted by deed.

Validity of deed.

Deposit of deed.

Bonds to be a preferential claim on the undertaking.

Bondholder to be a mortgagee.

Powers of bondholders in case of non-payment.

Rights of bondholder defined.

Registration of bonds.

ject in the first instance to the payment of the working expenditure of the railways, bridge and approaches thereto:

2. By the said deed the Company may grant to the holders of such bonds, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, and all other powers rights and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the bondholders in manner and form as therein provided:

3. Every such mortgage deed shall be deposited in the office of the Secretary of State of Canada,—of which deposit notice shall be given by the Company in the *Canada Gazette*.

12. The bonds hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the Company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section:

2. Each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other bondholders; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

13. If the Company makes default in paying the principal of or interest on any of the bonds hereby authorized at the time when the same, by the terms of the bond, becomes due and payable, then at the next annual general meeting of the Company, and at all subsequent meetings, all holders of bonds so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid-up shares of the Company to a corresponding amount:

2. The rights given by this section shall not be exercised by any bondholder unless it is so provided by the mortgage deed, nor unless the bond in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of voting thereon; and the Company shall be bound on demand to register such bonds, and thereafter any transfers thereof, in the same manner as shares or transfers of shares:

3. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds are entitled under the provisions of such mortgage deed.

Certain rights not affected.

14. All bonds hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Transfer of bonds.

15. The Company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars; and every such note or bill made, drawn, accepted or indorsed by the president or vice-president of the Company, and countersigned by the secretary, shall be binding on the Company; and every such note or bill of exchange so made, drawn, accepted or indorsed, shall be presumed to have been made, drawn, accepted or indorsed with proper authority until the contrary is shown; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible for the same, unless such promissory note or bill has been issued without proper authority; but nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

Promissory notes may be issued.

Notes not to be payable to bearer.

16. The Company may receive, in aid of the construction of the railways or bridge, or any part thereof, from any person or body corporate, municipal or politic, having power to grant the same, any bonus of money or debenture or other benefit of any sort, either with or without conditions, and may enter into an agreement for the carrying out of any such conditions, or with respect thereto.

Grants in aid may be received.

17. The directors of the Company elected by the shareholders may make and issue as paid up stock shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Paid up stock may be issued in certain cases.

18. The Company may also construct electric telegraph and telephone lines for the purposes of its undertaking in connection with the railways or bridge.

Telegraph and telephone lines.

Agreement
with another
company.

19. The Company may enter into an agreement with any Company whose railway connects with the bridge or the lines of the Company leading thereto, for conveying or leasing to such Company, the railways or bridge of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit: provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders called for the purpose of considering the same, on notice given in the manner hereinbefore mentioned,—at which meeting shareholders representing at least one-half in value of the stock are present in person or represented by proxy, and that it has also been sanctioned by the Governor in Council:

Sanction of
shareholders
and of Governor
in Council.

Notice of
application
for sanction.

2. Before such sanction by the Governor in Council is given, notice of the application therefor shall be published in the *Canada Gazette*, and in one newspaper in the county of Grenville, for at least two months prior to the time named in such notice for the making of such application; and such notice shall state a time and place when and where the application is to be made,—and that all persons may then and there appear and be heard on such application.

Railway
companies
may lend their
credit to the
company.

20. Any railway company whose line now runs or which shall hereafter run its trains to or from any point at or near the said town of Prescott, or other point in the county of Grenville, or shall run its trains in connection with any such railway, may, with the consent of a majority of the holders of its stock, loan its credit to the corporation hereby created, or may subscribe to or become the owner of the stock thereof, in like manner and with like rights as individuals, notwithstanding any Acts of the Parliament of Canada to the contrary.

Plans to be
submitted to
Governor in
Council.

21. The Company shall not commence the said bridge nor any work thereunto appertaining until it has submitted to the Governor in Council plans of the said bridge and of all the intended works thereunto appertaining, nor until such plans and the site of such bridge have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose touching the said bridge and works have been complied with; nor shall any such plan be altered nor any deviation therefrom allowed except by the permission of the Governor in Council and upon such conditions as he imposes:

No deviation
without per-
mission.

Navigation
not to be ob-
structed.

2. The said bridge shall be constructed with spaces of not less than two hundred feet in width between the piers, so as not to materially obstruct the navigation of the river

St. Lawrence; and the said bridge shall have a clear headway of sixty-one feet at high water level, and shall have at least one draw across the main channel of the river, which said draw shall be of ample width to give free and unobstructed passage to rafts or vessels of every description navigating the said river: Drawbridge.

3. From sundown until sunrise, during the season of navigation, suitable lights shall be maintained by the Company upon the said bridge to guide rafts or vessels approaching the said draw from either direction; and for assisting the passage of any raft or vessel through the said draw, the Company shall, at all times, keep in readiness one or more steam-tugs suitable for towing the said rafts or vessels through the said draw, whenever requested so to do by the officers of such rafts or vessels, without charge; and the Company shall be liable to pay the owners of any raft or vessel or of the cargo or freight thereof, all damages they may respectively sustain by reason of any neglect in respect of any of the foregoing provisions: Lights.

4. The Company may own and construct docks, piers, wharves and landing stages for the use of the said tugs; but shall not commence the actual construction of the same or any of them until the plans and site of each of the works referred to in this sub-section have first been submitted to and approved of by the Governor in Council. Steam tug for passing the draw.

22. When the said bridge is completed and ready for traffic, all trains of all railways terminating at or near the town of Prescott aforesaid or in the State of New York at or near the city of Ogdensburg now constructed or hereafter to be constructed, including the cars of any other railway company which may be brought over such railways, shall have, and be entitled to, the same and equal rights and privileges in the passage of the said bridge, so that no discrimination or preference in the passage of the said bridge and approaches thereto or in tariff rates for transportation shall be made in favor of or against any railway whose trains or business pass over the said bridge. Damages.

23. In case of any disagreement, and as often as the same arises, as to the rights of any railway whose trains or business pass over the said bridge, or as to the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators, one to be appointed by the Company hereby incorporated and another by the company with whom the disagreement has arisen, and a third, who shall be some person experienced in railway affairs, by one of the superior courts of the Province of Ontario, upon application to such court, due notice thereof having been given to the parties interested; and the award of the said arbitrators or the majority of them shall be final: Provided, that the terms of award shall not be binding for a longer term than five years: Wharves, &c., for use of tugs.

Subject to approval.

No discrimination in rates of toll to be made.

Arbitration in case of disagreement.

Term of award limited by Google

As to amalga-
mated com-
pany or
lessee.

2. Provided always, that sections twenty-two and twenty-three of this Act shall apply to the amalgamated company hereinafter provided for, or to any company which under section nineteen of this Act may lease the said bridge.

Tolls.

21. Whenever the said bridge is completed the Company may, subject to the approval of the Governor in Council, erect toll-gates, fix rates of toll, levy tolls, and make such erection as the directors deem expedient to guard the entrance of the said bridge, and may make such by-laws, rules and regulations not inconsistent with the provisions of this Act in relation to the use of the said bridge, its railway, machinery, appurtenances and approaches, by railway companies, their trains and carriages, and the compensation to be paid therefor, as the said directors think proper.

Power to use
highway, &c.

25. The Company may use any of the public highways for the construction or maintenance of the bridge or the works authorized by this Act, with the consent of the municipal council having jurisdiction over such highway: and the Company may, with the consent of the Crown, enter upon and take beaches of the River St. Lawrence, and lands covered with water, the property of the Crown, and erect coffer-dams, and other such works on the said river as are necessary for the construction of such bridge, provided the navigation of such river is not unnecessarily obstructed by such works.

Amalgama-
tion with a
company in-
corporated in
United
States.

26. The Company may, having first obtained the sanction of the Governor in Council in the manner provided by section nineteen of this Act, unite, amalgamate and consolidate its stock, property and franchises with the stock, property and franchises of any company incorporated by the laws of the State of New York, one of the United States of America, or by the Congress of the United States, for a similar purpose with the Company hereby incorporated, and may enter into all contracts and agreements therewith, necessary to such union and amalgamation.—which said company shall be, by the laws of the State of New York or of Congress, authorized to enter into such amalgamation or consolidation.

Proceedings
for amalga-
mation.

27. The directors of the Company hereby incorporated, and of any corporation proposing to so amalgamate or consolidate as aforesaid, may, after having obtained the sanction in the next preceding section mentioned, enter into a joint agreement, in duplicate, under the corporate seals of the said corporations, for the amalgamation and consolidation of the said corporations,—prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number and names of the directors and other officers thereof, and who shall be the first

What the
agreement
may contain.

directors and officers thereof, and their places of residence, the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation, and how and when and for how long directors and officers of such new corporation shall be elected, and when elections shall be held, with such other details as they deem necessary to perfect such new organization and the consolidation and amalgamation of the said corporations and the after management and working thereof; and such new corporation shall, subject to the provisions of this Act, have power to consolidate or unite with any railway company having powers of consolidation or union, whose line of railway connects with the said bridge, by the same means and to the same ends as the same may be consolidated by this Act:

Further powers of amalgamation.

2. No provision of this Act and no condition therein contained shall be affected or varied by any such agreement.

Act not to be varied.

28. Such agreement shall be submitted to the shareholders of each of the said corporations at meetings thereof to be held separately for the purpose of taking it into consideration; a month's previous notice of the time and place of such meetings and the object thereof shall be given by written or printed notices addressed to each of the persons in whose names at the time of giving such notice the capital stock of such corporations stands on the books of such corporations, and delivered to such persons respectively or addressed to them by mail at their last known post office address or place of residence, and also by a general notice to be published in the *Canada Gazette* and in a newspaper published in the county of Grenville once a week for four successive weeks:

Agreement to be submitted to shareholders.

2. At such meetings of shareholders, such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote, and the said ballots to be cast in person or by proxy; and if two-thirds of the votes of all the shareholders of each corporation are for the adoption of such agreement, then that fact shall be certified upon each of the said duplicates by the secretary of each of such corporations, under the corporate seal thereof; and if the said agreement is so adopted at the respective meetings of the stockholders of each of the said corporations, one of the duplicates of the agreement so adopted and of the certificates thereon shall be filed in the office of the Secretary of State of Canada and the other in the office of the Secretary of State of the State of New York; and a notice of the amalgamation, the location of the chief office in Canada and the name of the new corporation shall be published by the secretary of the new Company in the *Canada Gazette*; and the said agreement shall from thence be taken and deemed to be the agreement and act of consolidation and amalgamation of the Company and of such other

Proceedings at meetings for considering it.

Deposit of agreement if adopted

Effect of deposit.

corporation, and a copy of such agreement so filed and of the certificates thereon properly certified, shall be evidence of the existence of such new corporation.

New corpora-
tion and its
powers and
duties

29. Upon the making and perfecting of the said agreement and act of consolidation as provided in the next preceding section, and the filing of the said agreement as in the said section provided, the several corporations, parties thereto, shall be deemed and taken to be consolidated and to form one corporation by the name in the said agreement provided, and shall possess all the rights, powers, privileges and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united, except as herein provided.

Property
vested in
new corpora-
tion.

30. Upon the consummation of such act of consolidation as aforesaid, all and singular the property, real, personal and mixed, and all rights and interests appurtenant thereto, all stock subscriptions and other debts due on whatever account, and other things in action belonging to such corporations or either of them shall be taken and deemed to be transferred to and vested in such new corporation without further act or deed; Provided, however, that all rights of creditors and all liens upon the property of either of such corporations shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new corporation and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; And provided also, that no action or proceeding, legal or equitable, by or against the said corporations so consolidated or either of them shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

Certain
rights not im-
paired.

As to suits by
or against
either com-
pany.

Notice before
commencing
the works.

31. The Company shall, three months before any steps are taken in erecting the piers of the said bridge, cause to be published in one of the public newspapers in the city of Montreal and in the county of Grenville, a notice, in which shall be stated the particular location of the said bridge with reference to known landmarks, the number of its piers, the length and breadth of its piers and the distances between them, the width in the clear of the draw opening and the entire length of the bridge from land to land, and its height above the water at ordinary stages; and a copy of this notice, the facts of which shall be verified by the oath of the engineer, signed by the president and secretary of the Company, and acknowledged by them before a magistrate or notary public, shall be filed in the office of the clerk of the peace of the united counties of Leeds and Grenville.

Copy to be
filed.

32. This Act shall have no force or effect until duly certified copies of any Act passed by the Legislature of the State of New York, incorporating any company for objects similar to those contemplated by this Act, and any Act of the Congress of the United States conferring the necessary powers in respect to the same, are filed in the Department of the Secretary of State of Canada,—upon which the Governor in Council may, by proclamation, order that on, from and after a date to be mentioned therein, this Act shall be of full force and effect, and this Act shall accordingly thenceforth have full force and effect.

Conditions precedent to coming into force of this Act.

33. The provisions of "*The Railway Act*," in so far as they are not inconsistent with this Act, shall apply to the Company and shall form part of this Act.

Railway Act to apply.

34. The bridge shall be commenced within three years and completed within six years from the passing of this Act, otherwise the powers hereby granted shall cease and be null and void as respects such of the works as then remain uncompleted.

Limitation of time.

OTTAWA: Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 91.

An Act to incorporate the River Detroit Winter Railway Bridge Company.

[Assented to 22nd May, 1888.]

Preamble.

WHEREAS the construction of a winter bridge across the Detroit River, at or near the town of Windsor or Sandwich, for railway purposes, open to all persons and companies upon equal terms, tolls and conditions, would be of advantage to the public; and whereas the persons hereinafter named have petitioned for an Act of incorporation for the purposes aforesaid, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. W. K. Muir, William Hendrie, Arthur Rankin, H. C. Symmes, William Thompson, W. B. McMurrich and George Hendrie, together with such persons as, under the provisions of this Act, become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of "The River Detroit Winter Railway Bridge Company," hereinafter called "the Company."

Corporate name.

Offices of the company.

2. The head office of the Company shall be in the town of Windsor; but the board of directors may establish one or more offices in other places in Canada or elsewhere.

Railway Act to apply.

3. The Act intituled "*An Act respecting Railways*," and any Act amending the same, are hereby incorporated with this Act, and shall form part thereof and be construed therewith as forming one Act.

Company may build bridge over Detroit river.

4. The Company may construct, maintain, work and manage a railway winter bridge across the River Detroit for railway purposes, from a point on the Canadian side of the said river, at or near the town of Windsor or Sandwich, to a point on the opposite side of the said river, in the State of

Michigan, one of the United States of America, with one or more tracks thereon for the passage of locomotive engines and railway trains, with the necessary approaches, tracks, machinery and appliances to enable the railway companies whose lines connect therewith to use the said bridge; and may, subject to the proviso in section thirteen of this Act contained, purchase, acquire, take and hold, such lands, lands covered with water, beaches, and other property, as are necessary for the purposes of the said bridge or for the convenient using of the same.

Power to acquire lands, &c.

5. The Company may work trains by steam, electricity, or such other power as they see fit, for local passenger and freight traffic over the said bridge, between the County of Essex and the State of Michigan, and may connect the said trains with other railways.

Power to work trains across bridge.

6. All shareholders in the Company, whether British subjects or aliens, or residents in Canada or elsewhere, shall have equal rights as stockholders in the Company, to vote on their stock, and shall be eligible to office in the Company.

Equal rights of shareholders.

7. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, of whom a majority shall be a quorum, and the said provisional directors shall hold office as such until the first election of directors under this Act, and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed, and cause plans and surveys to be made, and deposit in any chartered bank of Canada moneys received by them on account of stock subscribed, which moneys shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the Company for any cause whatsoever :

Provisional directors and their powers.

Moneys deposited to be withdrawn for certain purposes only.

2. If more than the whole stock has been subscribed the provisional directors shall allocate and apportion the stock, to the extent of the authorized capital, among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking.

Allocation of stock.

8. The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each, with power to increase the same as provided by "*The Railway Act*;" and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates of the works hereby authorized; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said bridge and other purposes of this Act.

Capital stock and shares.

First meeting of shareholders. . 9. So soon as two hundred and fifty thousand dollars of the said capital have been subscribed as aforesaid, and ten per cent. thereof paid into some chartered bank, in Canada, the provisional directors shall call a meeting of the shareholders of the Company, at the town of Windsor, at such time and place as they think proper, giving at least fourteen days' notice thereof in the *Canada Gazette* and in one or more of the daily newspapers published in each of the cities of Toronto and Detroit and in the town of Windsor,—at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them, shall elect seven directors from the shareholders possessing the qualifications hereinafter mentioned, of whom a majority shall form a quorum; and such directors shall hold office until the next annual general meeting of the shareholders, as hereinafter provided.

Annual general meeting. 10. The annual general meeting of the shareholders for the election of directors and other general purposes, shall be held on the first Wednesday in June in each year, at the town of Windsor or elsewhere in Canada, as is appointed by by-law; and notice of the hour and place of such meeting shall be given at least fourteen days previously in the *Canada Gazette* and in one or more daily newspapers published in Toronto, Windsor and Detroit.

Number of directors. 11. At such annual general meeting, the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose seven persons to be directors of the Company, of whom a majority shall be a quorum, and one or more of whom may be paid directors of the Company.

Qualification. 12. No person shall be elected a director of the Company unless he is a shareholder holding at least twenty shares in the stock of the Company, and has paid up all calls made thereon and then due.

Plans of bridge, &c., to be submitted to Governor for approval. 13. The Company shall not commence the said bridge or any work thereunto appertaining, until it has submitted to the Governor in Council plans of such bridge and of all the intended works thereunto appertaining, nor until such plans and the site of such bridge have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose, touching the said bridge and works, have been complied with; nor shall any such plan be altered, nor any deviation therefrom allowed, except by the permission of the Governor in Council, and upon such conditions as he imposes:

No deviation from plans. 2. The said bridge shall be so planned as not to materially obstruct the navigation of the river, and shall have not less than two openings or draws of four hundred and fifty feet each, in width in the clear, in the main channel, and two

Navigation not to be obstructed.
Draws.

openings or draws on the Detroit side of two hundred feet each in the clear, which draws shall be so placed as to best accommodate the navigation of the said river; and the said bridge shall be not less than fifteen feet high above high-water mark, measuring to the bottom chord of the bridge; and the said draws shall constantly remain open during the season of navigation, and lights shall always be maintained by the Company on the piers of the said bridge from sun-down until sunrise, to guide vessels approaching the said draws; and for assisting the passage of any vessel or raft through the said draws, the Company shall, at all times, keep in readiness a steam-tug suitable for towing the said vessels or rafts through the said draws respectively, whenever requested so to do by the officers of such vessels or rafts, without charge; and the Company shall be liable to pay the owners of any vessel or raft, or of the cargo or freight thereof, all damages they may respectively sustain by reason of any neglect in respect of any of the foregoing provisions; and during the remainder of the year the said draws shall, for the accommodation of river traffic, be promptly opened at all times upon the customary signals being given; and the operation and working of the said draws shall, at all times, be under the supervision of the Governor in Council and shall be subject to such rules and regulations as he prescribes; and the Company shall, during the construction of the said bridge, put up and maintain at night, during the season of navigation, a good and sufficient light at each end of any coffer-dam or pier erected by it, the said light to be placed at least five feet above the said dam or pier: Provided, that before taking possession of any part of the beach or land covered with water, or other property of the Crown, the Company shall obtain the consent of the Governor in Council.

Lights.

Steam-tug.

Damages.

Regulations.

Lights during construction.

Proviso: as to property of the Crown.

14. Whenever it becomes necessary, for the purpose of procuring material for constructing, maintaining and using the approaches to the said bridge, to purchase more land than is required for such purpose, the Company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same are separated from the said bridge, in such manner and for such purposes connected with the constructing or use of the said bridge as they deem expedient, and may sell or convey the same, or parts thereof not permanently required for the use of the said bridge.

Powers as to lands.

15. When the said railway bridge is completed and ready for traffic, all trains of all railways terminating at or near the site of the said bridge, now constructed or hereafter to be constructed, whether in the County of Essex or in the State of Michigan, including the cars of any other railway company brought over such railways, shall have and be entitled to the same and equal rights and privileges

Use of bridge.

No discrimination.

in the passage of the said bridge, so that no discrimination or preference in the passage of the said bridge and approaches thereto, or in tariff rates for transportation, shall be made in favor of or against any railway whose trains or business pass over the said bridge.

Arbitration in case of disagreement.

16. In case of any disagreement as to the rights of any railway whose trains or business pass over the bridge hereby authorized to be constructed, or as to the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators, one to be appointed by the Company hereby incorporated and another by the company with whom the disagreement has arisen, and a third, who shall be some person experienced in railway affairs, by one of the superior courts of the Province of Ontario upon application to such court—due notice thereof having been given to the parties interested; and the award of the said arbitrators or a majority of them shall be final.

Issue of bonds.

17. The directors of the Company, or of the consolidated company hereinafter mentioned, under the authority of the shareholders to them given at any special general meeting called for the purpose, in the manner hereinbefore mentioned, attended by shareholders in person or represented by proxy, who represent at least two-thirds in value of the subscribed stock of the Company and have paid all calls due thereon, may issue bonds signed by the president or other presiding officer and countersigned by the secretary, —which countersignature and the signature to the coupons attached to such bonds may be engraved; and such bonds may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest as the directors think proper:

Disposal of bonds.

2. The directors may issue and sell or pledge all or any of the said bonds, at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking:

Amount limited.

3. The amount of such bonds so issued, sold or pledged shall not exceed one million two hundred thousand dollars.

Mortgage deed to secure bonds.

18. The Company may secure such bonds by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject, in the first instance, to the payment of the working expenditure of the said bridge and the approaches thereto:

Working expenditure.

Powers granted by deed.

2. By the said deed the Company may grant to the holders of such bonds, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, and all other powers,

rights and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be ; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the bondholders in manner and form as therein provided :

Validity of deed.

3. Every such mortgage deed shall be deposited in the office of the Secretary of State of Canada, of which deposit notice shall be given by the Company in the *Canada Gazette*.

Deposit of deed.

19. The bonds hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the Company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section :

Bonds to be a preferential claim on the undertaking.

2. Each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro ratâ* with all the other bondholders ; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

Bondholder to be a mortgagee.

20. If the Company makes default in paying the principal of, or interest on any of the bonds hereby authorized, at the time when the same, by the terms of the bonds, becomes due and payable, then at the next annual general meeting of the Company, and at all subsequent meetings, all holders of bonds so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings, as would attach to them as shareholders if they held fully paid up shares of the Company to a corresponding amount :

Powers of bondholders in case of non-payment.

2. The rights given by this section shall not be exercised by any bondholder unless it is so provided by the mortgage deed, nor unless the bond in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of voting thereon ; and the Company shall be bound on demand to register such bonds, and thereafter any transfers thereof, in the same manner as shares or transfers of shares :

Rights of bondholders defined.

Registration.

3. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds are entitled under the provisions of such mortgage deed.

Certain rights not affected.

21. All bonds hereby authorized may be made payable to bearer, and shall, in that case, be transferable by deli-

Transfer of bonds, &c.

very, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers registered in the same manner as in the case of the transfer of shares.

Promissory notes may be issued.

22. The Company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars; and every such note or bill made, drawn, accepted or indorsed by the president or vice-president of the Company, and countersigned by the secretary, shall be binding on the Company; and every such note or bill of exchange so made, drawn, accepted or indorsed, shall be presumed to have been made, drawn, accepted or indorsed with proper authority, until the contrary is shown; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible for the same, unless such promissory note or bill has been issued without proper authority; but nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

Notes not to be payable to bearer.

Grants in aid may be received.

23. The Company may receive, in aid of the construction of the said bridge, from any person or body corporate, municipal or politic, having power to grant the same, any bonus of money or debenture or other benefit of any sort, either with or without conditions, and may enter into an agreement for the carrying out of any such conditions or with respect thereto.

Paid up stock may be issued in certain cases.

24. The directors of the Company, elected by the shareholders, may make and issue as paid up stock, shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment of right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Telegraph and telephone lines.

25. The Company may also construct electric telegraph and telephone lines, for the purposes of its undertaking in connection with the said bridge.

Agreements with railway companies for use of bridge, &c.

26. The Company may, subject to the sanction of the Governor in Council, enter into an agreement with any railway company or companies in the Dominion of Canada or in the United States of America having its terminus on the Detroit River, for leasing the said bridge, or the use thereof, at any time or times or for any period, to such railway company or companies, or for leasing or hiring from such company or companies any rail-

way or part thereof or the use thereof, or for leasing or hiring any locomotives, tenders or movable property, and generally make any agreement or agreements with such company or companies touching the use by the one or the other or others, of the bridge or railway or railways, or movable property of either, or of any of them, or any part thereof, or touching any service to be rendered by the one company to the other or others, and the compensation therefor; and any such railway company or companies may agree for the loan of its credit to, or may subscribe to and become owner of the stock of the Company hereby created, in like manner and with like rights as individuals, and any such agreement shall be valid and binding and shall be enforced by the courts of law according to the terms and tenor thereof, and any company accepting and executing such lease may exercise all the rights and privileges by this Act conferred:

Loan of credit, or subscription for stock, by railway companies.

Enforcing agreements.

2. Before such sanction by the Governor in Council is given, notice of the application therefor shall be published in the *Canada Gazette*, and in one newspaper in each of the cities of Toronto and Detroit and in the town of Windsor, for at least two months prior to the time named in such notice for the making of such application; and such notice shall state a time and place when and where the application is to be made, and that all persons may then and there appear and be heard on such application:

Notice of application for sanction

3. Subject to obtaining the sanction mentioned in the next preceding sub-section, the Company may unite, amalgamate and consolidate its stock, property and franchises with the stock, property and franchises of any bridge company incorporated or which may be incorporated by the laws of the State of Michigan, one of the United States of America, for a similar purpose with the Company hereby incorporated, and may enter into all contracts and agreements therewith necessary to such union and amalgamation,—which said company shall be, by the laws of the State of Michigan or of the United States of America, authorized to enter into such amalgamation and consolidation: Provided always, that sections fifteen and sixteen of this Act shall apply to such amalgamated company or to any company which leases the said bridge.

Amalgamation with another company.

Certain provisions to apply.

27. The directors of the Company hereby incorporated, and those of any corporation proposing to so amalgamate or consolidate as aforesaid, may, after having obtained the sanction in the next preceding section mentioned, enter into a joint agreement in duplicate under the corporate seals of the said corporations, for the amalgamation and consolidation of the said corporations,—prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number and names of the directors and

Proceedings in case of amalgamation.

other officers thereof, and who shall be the first directors and officers thereof and their places of residence, the number of shares of the capital stock, the amount or par value of each share and the manner of converting the capital stock of each of the said corporations into that of the new corporation, and how, and when, and for how long directors and other officers of such new corporation shall be elected, and when elections shall be held,—with such other details as they deem necessary to perfect such new organization and the consolidation and amalgamation of the said corporations and the after management and working thereof; and such new corporation shall, subject to the provisions of this Act, have power to consolidate or unite with either or any of the lines of railway having power of consolidation or union, connecting with the said bridge, by the same means and to the same ends as the same may be consolidated by this Act:

Power of new corporation to amalgamate.

Agreement not to vary Act.

2 No provision of this Act, and no condition therein contained, shall be affected or varied by any such agreement.

Agreement to be submitted to stockholders.

28. Such agreement shall be submitted to the stockholders of each of the said corporations at meetings thereof, to be held separately, for the purpose of taking the same into consideration; notice of the time and place of such meetings and the object thereof shall be given by written or printed notices addressed to each of the persons in whose names, at the time of giving such notice, the capital stock of such corporations stands on the books of such corporations, and delivered to such persons respectively, or addressed to them by mail, at their last known post office address or place of residence, and also by a general notice to be published in the *Canada Gazette* and in newspapers published in Toronto, Windsor and Detroit, once a week for four successive weeks. At such meetings of stockholders such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same,—each share entitling the holder thereof to one vote and the ballots being cast in person or by proxy; and if two-thirds of the votes of all the stockholders of each corporation are for the adoption of such agreement, then that fact shall be certified upon each of the said duplicates by the secretary of each of such corporations, under the corporate seal thereof; and if the said agreement is so adopted at the respective meetings of the stockholders of each of the said corporations, one of the duplicates of the agreement so adopted and of the said certificates thereon shall be filed in the office of the Secretary of State of the Dominion of Canada and the other in the office of the Secretary of State of the State of Michigan; and notice of the said deposit, of the name of the corporation and of the location of the chief office in Canada shall be published in the *Canada Gazette* by the Secretary of the Company, and the said agreement shall from thence be

Proceedings after adoption by two-thirds of each corporation.

Deposit of agreement.

Notice of deposit.

taken and deemed to be the agreement and Act of consolidation and amalgamation of the Company and of such other corporation; and a copy of such agreement so filed and of the certificates thereon, properly certified, shall be evidence of the existence of such new corporation.

29. Upon the making and perfecting of the said agreement and Act of consolidation as provided in the next preceding section, and the filing of the said agreement as in the said section provided, the several corporations, parties thereto, shall be deemed and taken to be consolidated and to form one corporation by the name in the said agreement provided, with a common seal, and shall possess all the rights, powers, privileges and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united, except as herein provided.

When amalgamation shall be deemed complete.

30. Upon the consummation of such Act of consolidation as aforesaid, all and singular the property, real, personal and mixed, and all rights and interest appurtenant thereto, all stock subscriptions and other debts due on whatever account, and other things in action belonging to such corporations, or either of them, shall be taken and deemed to be transferred to and vested in such new corporation, without further act or deed: Provided however, that all rights of creditors and all liens upon the property of either of such corporations shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it: and provided also, that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation; but for all the purposes of such action or proceeding such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

Property to be vested in new corporation.

Proviso: as to debts.

Proviso: as to suits.

31. At all meetings of the consolidated company, herein provided for, each stockholder shall be entitled to cast one vote for each share of stock held by him, and to vote either in person or by proxy.

Votes and proxies.

32. The Company shall not commence the actual erection of the said bridge, until an Act of the Congress of the United States of America has been passed consenting to or approving of the bridging of the said river.

Erection of bridge not to be commenced until authorized by U. S.

33. In case the State of Michigan or the United States of America at any time provide for the appointment of a commission for regulating the working of the said

Appointment of commission to regulate use of bridge.

Approval of
Governor in
Council.

bridge, the use thereof, and the compensation to be made therefor, and for settling any dispute in respect thereof, it shall be lawful for the Governor in Council to join in the appointment of the said commission on such terms as he thinks proper, and to appoint one or more persons as members of the said commission; and the decisions of the said commissioners shall first be submitted to the Governor in Council and if approved of shall thereafter be final and conclusive, to the extent to which the same are final and conclusive by virtue of the provisions made by the State of Michigan or the United States of America.

Limitation of
time.

34. The bridge shall be commenced within three years and completed within five years from the passing of this Act, otherwise the powers hereby granted shall cease and be null and void.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 92.

An Act to authorize the construction of Bridges over the Assiniboine River at Winnipeg and Portage la Prairie for railway and passenger purposes.

[Assented to 22nd May, 1888.]

WHEREAS the Executive Government of the Province of Manitoba desire to construct a line of railway from a point in the city of Winnipeg to the town of Portage la Prairie in the said Province; and whereas in carrying out the undertaking it will be necessary to cross, by means of swing bridges, the Assiniboine River at the city of Winnipeg, and also at or near the town of Portage la Prairie, the said river being a navigable water and therefore under the jurisdiction of the Parliament of Canada; and whereas the said Government has presented a petition praying to be allowed to construct the said bridges; and whereas it is desirable in the interests of Canada, as well as of the Province of Manitoba, that power should be conferred upon the Commissioner of Railways of the said Province to construct the said bridges: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The Commissioner of Railways of the Province of Manitoba may construct, maintain, work and manage two swing bridges for railway and passenger purposes, with all the necessary approaches thereto, over the Assiniboine River, one at the city of Winnipeg and the other at or near the town of Portage la Prairie, and may purchase, acquire and hold such real estate as is requisite for all the said purposes; and such real estate and structures shall be vested in Her Majesty, to and for the public uses of the said Province of Manitoba, subject to the provisions of this Act.

Commissioner of Railways of Manitoba may construct bridges over Assiniboine river.

2. The said Commissioner shall not commence the construction of the said bridges, or any work thereunto appertaining, until he has submitted to the Governor in Council plans of such bridges, and of all intended works thereunto appertaining, nor until such plans and the site of each of

Plans to be approved by Governor in Council.

such bridges have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose, touching the said bridges and works, have been complied with,—nor shall any plan be altered, or any deviation therefrom allowed, except by the permission of the Governor in Council, and upon such conditions as he imposes; and such bridges shall be constructed so as to each have one draw in the main channel of the Assiniboine River, which draws shall be of such width as the Governor in Council determines, and shall otherwise give free passage to vessels of every description navigating the said river; and the said draws shall, at all times, be kept closed, except when actually required to be opened for the passage of vessels, and shall be tended and moved at the expense of the said Commissioner, so as not to hinder unnecessarily the passage of any vessel; from sundown until after sunrise during the season of navigation suitable lights shall be maintained on each of such bridges to guide vessels approaching the said draws:

Details of construction.

Lights.

Tolls on foot bridge subject to approval.

Tariff to be posted up.

2. If the said Commissioner constructs or arranges the said bridges, or either of them, for the use of foot passengers and carriages, as well as for railway purposes, then the tolls to be charged for the passage of such foot passengers and carriages shall, before being imposed, first be submitted to and approved of, and may be amended and modified from time to time by the Governor in Council; but the said Commissioner may, at any time, reduce the same; and a notice shewing the tolls authorized to be charged shall, at all times, be posted up in a conspicuous place on each of the said bridges.

Necessary powers conferred on the said Commissioner of Railways.

3. The said Commissioner, for the time being, shall, for the purposes of this Act, have all the powers necessary for the effectual carrying out of the said purposes, which are conferred upon railway corporations for similar purposes by "*The Railway Act*," and shall be subject to all the obligations imposed by the said Act on railway corporations, in so far as such powers and obligations are applicable to the works hereby authorized; and such Commissioner, for the time being, may exercise such powers and shall be liable for the non-performance of such obligations in and by his name of office; and the word "Company" or "directors" in the said Act shall, with respect to this Act, be construed as meaning the said Commissioner, whenever such construction is required to give effect to this Act.

Commissioner may as such sue and be sued in Manitoba.

4. The said Commissioner in his said capacity, and by his said title, may sue and be sued, plead and be impleaded in any court of law or equity in the Province of Manitoba, for and in respect of any matter appertaining to the said bridges or the construction thereof, or the acquiring of lands therefor, or for the working of the said bridges; and any

judgment or award against the said Commissioner given or made under and by virtue of this Act, shall be enforceable by execution or other process from any of the said courts against all property acquired for the purposes of the said bridges.

5. The powers and rights conferred, and the liabilities imposed upon the said Commissioner by this Act, shall be vested in, and may be exercised by or enforced against any Commissioner or public officer who is hereafter, by the Legislature of the Province of Manitoba, substituted in the place of the said Commissioner, and invested with his functions and powers in reference to the said bridges.

How and by whom the powers may be exercised.

6. When the said bridges are completed and ready for traffic, all trains of all railways terminating at or near the said bridges, or either of them, and now constructed or hereafter to be constructed, including the cars of any other railway company which are brought over such railway, shall have and be entitled to the same and equal rights and privileges in the passage of the said bridges, or either of them, so that no discrimination or preference in the passage of the said bridges, or either of them, and of the approaches thereto, or in tariff rates for transportation shall be made in favor of or against any railway whose trains or business pass over the said bridges or either of them.

Passage of cars over the bridges.

No discrimination in rates.

7. In case of any disagreement as to the rights of any railway whose trains or business pass over the bridges, or either of them, hereby authorized to be constructed, or as to the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators, one to be appointed by the said Commissioner and another by the company with whom the disagreement has arisen, and a third, who shall be some person experienced in railway affairs, by one of the superior courts of the Province of Manitoba upon application to such court—due notice thereof having been given to the parties interested; and the award of the said arbitrators or a majority of them shall be final.

Arbitration in case of disagreement.

8. The works hereby authorized shall be commenced within two years and completed within four years from the passing of this Act, otherwise the powers hereby granted shall cease and be null and void as respects so much of the works as then remains uncompleted.

Limitation of time.



51 VICTORIA.

CHAP. 93.

An Act to incorporate the Canada and Michigan Tunnel Company.

[Assented to 4th May, 1888.]

Preamble.

WHEREAS the persons hereinafter named have petitioned for power to build a tunnel under the Detroit River suitable for railway purposes, from some point in or near the town of Windsor or the town of Sandwich, in the county of Essex, towards the city of Detroit, in the State of Michigan, and for the incorporation of a Company for that purpose; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. James Ross, of Sherbrooke, civil engineer, James Dudley Hawks, of Detroit, civil engineer, George Laidlaw, of Toronto, esquire, Andrew Onderdonk, of New York, civil engineer, George Bliss, of New York, banker, D. O. Mills, of New York, esquire, H. B. Laidlaw, of New York, banker, and Nicol Kingsmill, of Toronto, barrister-at-law, together with such persons as under the provisions of this Act become shareholders in the Company hereby incorporated, are constituted a body corporate, under the name of "The Canada and Michigan Tunnel Company," hereinafter called "the Company."

Corporate name.

Object and general powers of company.

2. The company may construct, maintain, work and manage a tunnel under the waters of the Detroit River, for railway purposes, from some point at or near the town of Windsor or the town of Sandwich, in the county of Essex, towards the city of Detroit, in the State of Michigan, and may lay and place therein one or more tracks for the passage of engines and cars, and construct a railway not exceeding five miles in length as an approach to the said tunnel, and such other approaches as may be necessary:

Form of tunnel.

2. The said tunnel may be double either in whole or in part, with a third tunnel if necessary for drainage purposes.

and with branch tunnels, if necessary, from points near the end of the main tunnel.

3. The Company may purchase, acquire, take and hold such lands, lands covered with water, beaches and other property as are necessary for the purpose of constructing the said tunnel and for the convenient using of the same, and also for the construction of such approaches as may be necessary for the said tunnel. Purchase of necessary lands.

4. The company may use any of the public highways for the construction and maintenance of the tunnel or works authorized by this Act, with the consent of the council of the municipality having jurisdiction over such highways. Use of public highways.

5. The company may work trains by steam, horse or other power, for local and through passenger and freight traffic between Detroit and the towns of Windsor and Sandwich, through the said tunnel, and connect the said trains with other railways, and by rails or otherwise work the said trains within the said corporate limits of Windsor and Sandwich. Power to work trains.

6. "*The Railway Act*" is hereby incorporated with this Act, and shall form part thereof and be construed therewith as forming part thereof, when not inconsistent with the special provisions of this Act; and it is hereby declared that the word "land," mentioned in the said Act, shall include any privilege required by the Company for constructing or operating the works by this Act authorized, or any portion thereof, under any land, without the necessity of acquiring a title in fee simple thereto. Railway Act incorporated.

"Land" interpreted.

7. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the company, and a majority of such provisional directors shall be a quorum; and the said provisional directors shall hold office as such until the first election of directors under this Act, and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed, and cause plans and surveys to be made, and acquire any plans and surveys now existing, and may deposit in any chartered bank of Canada moneys received by them on account of stock subscribed,—which moneys shall not be withdrawn except for the purposes of the undertaking or upon the dissolution of the company from any cause whatsoever. Provisional directors and their powers.

Moneys deposited to be withdrawn for certain purposes only.

8. If more than the whole stock has been subscribed, the provisional directors shall allocate and apportion it among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking. Allotment of stock.

Equal rights
of sharehold-
ers.

9. All shareholders in the Company, whether British subjects or aliens, or resident in Canada or elsewhere, shall have equal rights to hold stock in the Company and to vote on the same and to be eligible to office in the Company.

Capital stock
and shares.

10. The capital stock of the Company shall be five hundred thousand dollars, divided into shares of one hundred dollars each, with power to increase the same to one million; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making or purchasing the surveys, plans and estimates of the works hereby authorized to be made or purchased; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said tunnel and other purposes of this Act.

First meeting
of sharehold-
ers.

11. So soon as two hundred thousand dollars of the said capital have been subscribed as aforesaid, and ten per cent. thereof paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at the town of Windsor, at such time and place as they think proper, giving at least fourteen days' notice thereof in the *Canada Gazette* and in one or more of the daily newspapers published in Toronto; at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them shall elect nine directors from the shareholders possessing the qualifications hereinafter mentioned, of whom a majority shall form a quorum; and such directors shall hold office until the next annual general meeting of the shareholders, as hereinafter provided.

Notice there-
of.

Election of
directors.

Annual gen-
eral meeting.

12. The annual general meeting of the shareholders, for the election of directors and other general purposes, shall be held on the first Thursday following the first Wednesday in June in each year, at the town of Windsor, or elsewhere in Canada, as may be appointed by by-law; and notice of the hour and place of such meeting shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more daily newspapers published in Toronto.

Number of
directors.

13. At such annual general meeting the subscribers for the capital stock assembled who have paid all calls due on their shares shall choose nine persons to be directors of the Company, of whom a majority shall be a quorum, and one or more of whom may be paid directors of the Company.

Paid direc-
tors.

Qualifica-
tion.

14. No person shall be elected a director of the Company unless he is a shareholder holding at least twenty shares in

in the stock of the Company, and has paid up all calls made thereon and then due.

15. No call to be made at any time upon the said capital stock shall exceed ten per cent. on the subscribed capital: Calls on stock.

2. Shares in the capital stock of the Company may be transferred by any form of instrument in writing; but no transfer shall become effectual unless the stock or scrip certificates issued in respect of the shares intended to be transferred are surrendered to the Company, or the surrender thereof dispensed with by the Company: Transfer of stock.

3. The directors of the Company may, subject to the rules and regulations from time to time of the board, appoint an agent in the city of London, England, and also an agent in the city of New York, in the State of New York, with power to pay dividends, to open and keep books of transfer for the shares of the Company, and for the issue of scrip and stock certificates, and thereupon shares may be transferred from the Canada office to the London or New York office, in the names of the transferees, in the same manner as shares may be transferred in the former office, and *vice versa*; and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States, may be respectively entered upon the books at the London or at the New York office, and scrip certificates be issued for them; and the agent or other officer shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the Company in Canada, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the register kept in Canada, and thereupon the same shall be binding on the Company, as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the secretary of the Company in Canada: Agents in London and New York.

4. Whenever any transfer is made in England or the United States of any share of stock of the Company, the delivery of the transfer and stock or scrip certificates to the agent or agents of the Company for the time being in London and New York, shall be sufficient to constitute the transferee a shareholder in the company in respect to the share of stock so transferred; and such agent or agents shall transmit an accurate list of all such transfers to the secretary of the Company in Canada, who shall thereupon make the requisite entries in the register; and the directors may, from time to time, make such regulations as they think fit for facilitating the transfer and registration of shares of stock, and the forms in respect thereof, as well in Canada as elsewhere, and as to the closing of the register of transfers for the purpose of dividends; and all such regulations, not inconsistent with the provisions of this Act, Transfer of shares between Canada and agencies.

Share lists to be transmitted to Canada.

Effect of transfer made in England or United States.

Directors may make regulations as to transfers.

or of "*The Railway Act*," as altered or modified by this Act, shall be valid and binding.

Issue of
bonds.

16. The directors of the Company, under the authority of the shareholders to them given at any special general meeting called for the purpose in the manner hereinbefore mentioned, attended by shareholders in person or represented by proxy, who represent at least two-thirds in value of the subscribed stock of the Company, and have paid all calls due thereon, may issue bonds, signed by the president or other presiding officer, and countersigned by the secretary,—which counter-signature and the signature to the coupons attached to such bonds may be engraved; and such bonds may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest as the directors think proper:

Disposal of
bonds.

2. The directors may issue and sell or pledge all or any of the said bonds, at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking:

Amount
limited.

3. The amount of such bonds so issued, sold or pledged, shall not exceed four millions of dollars.

Mortgage
deed to secure
bonds.

17. The Company shall secure such bonds by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents, and revenues of the Company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenditure of the tunnel and approaches:

Working ex-
penditure.

Powers
granted by
deed.

2. By the said deed the Company may grant to the holders of such bonds, or the trustees named in such deed, all and every the powers, rights, and remedies granted by this Act in respect of the said bonds, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding, and available to the bondholders in manner and form as therein provided:

Validity of
deed.

Deposit of
deed.

3. Every such mortgage deed shall be deposited in the office of the Secretary of State of Canada,—of which deposit notice shall be given by the Company in the *Canada Gazette*.

Bonds to be
a preferential
claim on the
undertaking.

18. The bonds hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the Company and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section:

2. Each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other bondholders; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

Bondholder
to be a mort-
gagee.

19. If the Company makes default in paying the principal or interest on any of the bonds hereby authorized at the time when the same, by the terms of the bond, becomes due and payable, then, at the next annual general meeting of the Company and at all subsequent meetings, all holders of bonds so being and remaining in default shall in respect thereof have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the Company to a corresponding amount:

Powers of
bondholders
in case of non-
payment.

2. The rights given by this section shall not be exercised by any bondholder unless it is so provided by the mortgage deed, nor unless the bond in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of voting thereon; and the Company shall be bound on demand to register such bonds, and thereafter any transfers thereof, in the same manner as shares or transfers of shares:

Rights of
bondholders
defined.

Registration.

3. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds are entitled under the provisions of such mortgage deed.

Certain rights
not affected.

20. All bonds hereby authorized may be made payable to bearer, and shall, in that case, be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Transfer of
bonds, &c.

21. The Company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars; and every such note or bill made, drawn, accepted or indorsed by the president or vice-president of the Company, and countersigned by the secretary, shall be binding on the Company; and every such note or bill of exchange so made, drawn, accepted or indorsed, shall be presumed to have been made, drawn, accepted or indorsed with proper authority until the contrary is shown; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible

Promissory
notes may be
issued.

Notes not to
be payable to
bearer.

for the same, unless such promissory note or bill has been issued without proper authority ; but nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

Grants in aid
may be re-
ceived.

22. The Company may receive in aid of the construction of the tunnel or any part thereof, from any person or body corporate, municipal or politic, having power to grant the same, any bonus of money or debenture or other benefit of any sort, either with or without conditions, and may enter into an agreement for the carrying out of any such conditions or with respect thereto.

Paid up stock
may be issued
in certain
cases.

23. The directors of the Company elected by the shareholders may make and issue, as paid up stock, shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers ; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Telegraph
and telephone
lines.

24. The Company may also construct electric telegraph and telephone lines for the purposes of its undertaking in connection with the tunnel.

Agreement
with another
company.

25. The Company may enter into any agreement with any railway company in Canada or in the United States of America, having its terminus on the Detroit River, for conveying or leasing to such company the undertaking of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery, and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit ; provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders called for the purpose of considering the same, on notice given in the manner hereinbefore mentioned, —at which meeting shareholders representing at least one-half in value of the stock are present in person or represented by proxy,—and that it has also been sanctioned by the Governor in Council :

Sanction of
shareholders
and of Govern-
or in Coun-
cil.

Notice of ap-
plication for
sanction.

2. Before such sanction by the Governor in Council is given, notice of the application therefor shall be published in the *Canada Gazette*, and in one newspaper in the county of Essex, for at least two months prior to the time named in such notice for the making of such application ; and such notice shall state a time and place when and where the application is to be made, and that all persons may then and there appear and be heard on such application.

26. When the said tunnel is completed and ready for traffic, all trains of all railways terminating at or near the said tunnel, or in the State of Michigan at or near some point opposite the said tunnel, and now constructed or hereafter to be constructed, including the cars of any other railway company which may be brought over such railways, shall have, and be entitled to, the same and equal rights and privileges in the passage of the said tunnel, and of all the approaches thereto without discrimination or preference and at corresponding tariff rates for the persons and property transported—so that no discrimination in the passage of the said tunnel and approaches thereto or in tariff rates for such transportation shall be made in favor of or against any railway whose trains or business pass through the said tunnel.

All railway trains to be entitled to cross without preference.

27. In case of any disagreement as to the rights of any railway whose trains or business pass through the work hereby authorized to be constructed, or as to the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators, one to be appointed by the Company hereby incorporated and another by the company with whom the disagreement has arisen, and a third, who shall be some person experienced in railway affairs, by one of the superior courts of the Province of Ontario upon application to such court—due notice thereof having been given to the parties interested; and the award of the said arbitrators or a majority of them shall be final: Provided, that the terms of the said award shall not be binding for a longer term than five years.

Arbitration in case of disagreement.

Proviso.

28. The Company, with the authority of a special general meeting of the shareholders called for the purpose, expressed by a resolution concurred in by two-thirds of the shareholders present at such meeting or represented by proxy, may unite, amalgamate and consolidate its stock, property and franchises with the stock, property and franchises of any other company incorporated by the laws of the State of Michigan, one of the United States of America, for a purpose similar to that of the Company hereby incorporated, and may enter therewith into all contracts and agreements necessary to such union and amalgamation,—such company being by the laws of the State of Michigan authorized to enter into such amalgamation or consolidation.

Powers of amalgamation.

29. The directors of the Company hereby incorporated and any corporation proposing to amalgamate or consolidate as aforesaid, may enter into a joint agreement for the amalgamation and consolidation of the said corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation and the location of its head office, and should such

Proceedings in case of amalgamation.

head office be located in the United States, then the location of its chief office in Canada, the number and names of the directors and other officers thereof, and who shall be the first directors and officers thereof, and their places of residence, the number of shares of the capital stock, the amount of par value of each share and the manner of converting the capital stock of each of the said corporations into that of the new corporation, and how and when and for how long directors or other officers of such new corporation shall be elected, and when elections shall be held, with such other details as they deem necessary to perfect such new organization and the consolidation and amalgamation of the said corporations, and the after management and working thereof; and such new corporation shall have power to consolidate or unite with any company having powers of consolidation or union, and owning a line of railway connecting with the said tunnel, its approaches or lines of railway, by the same means and to the same ends as the same may be consolidated under this Act.

Power of new corporation to amalgamate.

Deposit of agreement.

30. The agreement so adopted shall be filed in the office of the Secretary of State of Canada; and a copy of such agreement so filed, properly certified, shall be evidence of the existence of such new corporation; and a notice of the amalgamation, the location of the office in Canada, and the name of the corporation shall be published in the *Canada Gazette*.

When amalgamation shall be deemed complete.

31. Upon the making and perfecting of the said agreement and act of consolidation as hereinbefore provided, and the filing of the said agreement as in the next preceding section provided, the several corporations, parties thereto, shall be deemed and taken to be consolidated and to form one corporation, by the name in the said agreement provided, with a common seal, and shall possess all the rights, powers, privileges and franchises and be subject to all disabilities and duties of each such corporation so consolidated and united, except as herein provided.

Property to be vested in the new corporation.

32. Upon the consummation of such act of consolidation as aforesaid, all and singular the property, real, personal and mixed, and all rights and interests appurtenant thereto, all stocks, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations or either of them, shall be taken and deemed to be transferred to and vested in such new corporation, without further act or deed: Provided however, that all rights of creditors and all liens upon the properties of either of such corporations shall be unimpaired by such consolidation, and that all debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new corporation.

proviso: as to debts.

tion, and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; and provided also, that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

Proviso: as to suits.

33. The said new company may, from time to time, borrow such sums of money as may be necessary for constructing and completing the work hereby authorized, and for the acquiring of the necessary real estate for the site thereof and approaches thereto and may mortgage its corporate property and purchases to secure the payment thereof under the provisions of "*The Railway Act.*"

New corporation may borrow money.

34. At all meetings of the shareholders of the consolidated company, herein provided for, each shareholder shall be entitled to cast one vote for each share of stock held by him, and to vote either in person or by proxy.

Votes.

Proxies.

35. The Company shall not commence the said tunnel or any work thereunto appertaining, until it has submitted to the Governor in Council plans of such tunnel and of all the intended works thereunto appertaining, nor until such plans and the site of such tunnel have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose, touching the said tunnel and works, have been complied with; nor shall any such plan be altered, or any deviation therefrom allowed, except by the permission of the Governor in Council, and upon such conditions as he imposes.

Plans of tunnel, &c., to be submitted for approval.

No deviation from plans.

36. The said tunnel shall be commenced within three years and completed within eight years from the passing of this Act.

Limitation of time.

OTTAWA: Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 94.

An Act respecting the River St. Clair Railway Bridge and Tunnel Company.

[Assented to 4th May, 1888.]

Preamble.

WHEREAS the Canada Southern Railway Company and a quorum of the provisional board of directors of the River St. Clair Railway Bridge and Tunnel Company have petitioned that the periods for commencing and completing the works of the latter Company may be extended, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for construction extended

1. The times limited for the commencement and completion of the works of the River St. Clair Railway Bridge and Tunnel Company are hereby continued and extended for three and six years respectively, from the passing of this Act.

OTTAWA: Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 95.

An Act to incorporate the Dominion Plate Glass Insurance Company.

[Assented to 22nd May, 1888.]

WHEREAS Alexander Ramsay, merchant, Alexander Preamble.
Manson, merchant, the Honorable Francis E. Gilman,
member of the Legislative Council of Quebec, Thomas G.
Leders, book-keeper, and Henry Millen, merchant, all of
the city of Montreal, have, by their petition, prayed to be
incorporated as a Company under the name of "The Do-
minion Plate Glass Insurance Company," for the purpose
of carrying on the business of insuring plate and other
glass against loss or damage by breakage or otherwise,
whether placed in windows, doors or other parts of build-
ings, and whether stored or in transit on shore or afloat; and
whereas it is expedient to grant the prayer of the said peti-
tion: Therefore Her Majesty, by and with the advice and
consent of the Senate and House of Commons of Canada,
enacts as follows:—

1. The persons hereinbefore mentioned by name, to-
gether with such other persons as are now or may, from
time to time, become shareholders in the capital stock of
the Company hereby constituted, shall be a body corporate
and politic under the name of "The Dominion Plate Glass
Insurance Company," hereinafter called the Company. Incorporation
Corporate
name.
2. The head office of the Company shall be in the city of
Montreal; but it may establish agencies or branches else-
where. Offices of the
company.
3. The Company may make contracts of insurance with
any person against loss or damage, by breakage or otherwise,
to plate or other glass, whether placed in windows, doors
or other parts of buildings, and whether stored or in transit
on shore or afloat, and may cause themselves to be insured
against any loss or risk they incur in the course of their
business, and generally do and perform all the necessary General pow-
ers.

matters and things connected with and proper to promote these objects.

Provisional directors.

4. The persons hereinbefore mentioned by name shall be the first or provisional directors of the Company, of whom a majority shall be a quorum.

Capital stock and shares.

5. The capital stock of the Company shall be fifty thousand dollars, divided into shares of one hundred dollars each. Subscription books shall be opened in the city of Montreal and elsewhere, at the discretion of the directors, and shall remain open as long as they desire.

Ten per cent. to be paid on subscription.

6. Any person may subscribe for as many shares as he thinks fit, and ten per cent. shall be paid at the time of subscription, and the remainder shall be payable in such instalments as a majority of the directors determine, not to exceed five per cent. per call, and at periods of not less than three months' interval: Provided always, that no instalment shall be payable in less than thirty days after notice has been given in one newspaper published in the city of Montreal, and by circular addressed to each shareholder at his last known address: Provided further, that the Company shall not commence the business of insurance until at least ten thousand dollars have been paid into some chartered bank in Canada, on account of the capital stock:

Proviso: as to notice of calls.

Amount to be paid up before commencing business.

Forfeiture of shares for non-payment.

2. If any shareholder refuses or neglects to pay to the said directors the instalment due upon any share held by him at the time when he is required so to do, such shareholder shall forfeit such share, together with the amount previously paid thereon, and such forfeited share may be sold at a public sale by the directors, after such notice as they direct, and the moneys arising therefrom shall be applied for the purposes of this Act: Provided also, that in case the money produced by any sale of shares is more than sufficient to pay all arrears and interest, together with the expenses of such sale, the surplus money shall be paid, on demand, to the owner, and no more shares shall be sold than are deemed necessary to pay such arrears and expenses.

Disposal thereof.

Proviso: surplus to be paid to owner.

Capital stock may be increased.

7. The directors of the Company, with the consent of the majority in value of the shareholders, present at any meeting of shareholders called for that purpose, may increase the capital stock of the Company from time to time to an amount not exceeding in all the sum of two hundred thousand dollars, subject to the conditions in the next preceding section.

First meeting of shareholders.

8. So soon as twenty-five thousand dollars of the capital stock have been subscribed, and ten per cent. of that amount paid into some chartered bank in Canada, the direc-

tors may call a general meeting of the shareholders at some place to be named in the city of Montreal, giving at least ten days' notice thereof by registered letter mailed to each shareholder at his address as then in the books of the Company,—at which general meeting the shareholders present in person or represented by proxy shall elect five directors in the manner and qualified as hereinafter provided, who shall constitute the board of directors, and shall hold office until the annual general meeting in the year following their election, and a majority of the said directors shall form a quorum thereof; and no person shall be qualified as such director unless he is the holder of at least ten shares of the capital stock of the said Company and has paid up all calls made thereon.

Notice thereof.

Election of directors.

Quorum and qualification.

9. The annual general meeting of shareholders, for the election of directors and other general purposes, shall be held on the first Tuesday in February in each year, at the city of Montreal or elsewhere in Canada, as may be appointed by by-law; and notice of the hour and place of such meeting shall be given in the manner required in the next preceding section, and by advertisement published at least twice within ten days prior thereto in some newspaper in the city of Montreal.

Annual general meeting.

Notice

10. The Company may purchase and hold, for the purpose of investing therein any part of the funds or money of the Company, any of the public securities of the Dominion or of any province thereof, or the bonds and debentures of any incorporated city, town or municipal corporation, and may sell and transfer the same, and again renew such investment, when and as often as a due regard to the interests of the Company requires.

Investment of funds.

11. Notwithstanding any thing contained in "*The Companies Clauses Act*," chapter one hundred and eighteen, Revised Statutes of Canada, or in any other law, the said Act shall extend and apply to the Company, and shall be incorporated with and form part of this Act: Provided always, that the words "or insurance," in the third section of the said Act, and sections eighteen and thirty-nine of the said Act shall not be incorporated with this Act.

R.S.C., c. 118, to apply.

Restriction.

12. This Act and the Company hereby incorporated and the exercise of the powers hereby conferred shall be subject to the provisions contained in "*The Insurance Act*."

R.S.C., c. 124, to apply.



51 VICTORIA.

CHAP. 96.

An Act to incorporate The Eastern Assurance Company of Canada.

[Assented to 4th May, 1888.]

Preamble.

WHEREAS the persons whose names are hereinafter mentioned have, by their petition, prayed to be incorporated for the purpose of establishing a company to carry on the business of insurance against fire, and have represented that such a company would be of public benefit, and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. John Doull, Hyacinthe H. Fuller, Adam Burns, John S. Maclean, Patrick O'Mullin, John F. Stairs and William L. Lowell, all of the city of Halifax, and James D. McGregor, of the town of New Glasgow, and the Honorable Loran E. Baker, of the town of Yarmouth, and Arthur R. Dickey, of the town of Amherst, all of the Province of Nova Scotia, and William Henry Thorne, Simeon Jones and J. De Wolfe Spurr, of the city of St. John, and the Honorable Andrew G. Blair, Archibald F. Randolph, Thomas Temple and Wesley Vanwart, of the city of Fredericton, and John L. Harris, of the town of Moncton, all of the Province of New Brunswick, together with such persons as, under the provisions of this Act, become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Eastern Assurance Company of Canada," hereinafter called "the Company."

Corporate name.

General powers.

2. The Company may make and effect contracts of insurance with any person against loss or damage by fire or lightning in or to any houses, dwellings or stores, or other buildings whatsoever, and to any goods, chattels or personal estate whatsoever, for such time or times, and for such premiums or considerations, and under such modifications and restrictions, and upon such conditions,

as may be bargained and agreed upon or set forth by and between the Company and the insured.

3. The capital stock of the Company shall be one million dollars, and shall be divided into ten thousand shares of one hundred dollars each. Capital stock and shares.

4. The persons whose names are set forth in the first section hereof, shall be provisional directors of the Company, and four of them shall be a quorum for the transaction of business, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, receive payments thereon, deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed, or otherwise received by them on account of the Company, and withdraw the same for the purposes only of the Company. Provisional directors and their powers.
Moneys deposited to be withdrawn for certain purposes only.

5. So soon as five hundred thousand dollars of the capital stock of the Company have been subscribed, and one hundred and twenty-five thousand dollars paid thereon, the said provisional directors may call a meeting of the shareholders of the Company at some place to be named in the city of Halifax and Province of Nova Scotia, giving at least six days' continuous notice thereof in two daily newspapers published in the said city,—at which general meeting the shareholders present in person or represented by proxy shall elect not less than five nor more than fifteen directors in the manner and qualified as hereinafter provided, who shall constitute a board of directors and shall hold office as hereinafter provided: Provided always, that no person shall be eligible to be or continue a director unless he holds in his own name and for his own use at least fifty shares of the capital stock of the Company and has paid all calls due thereon and all liabilities incurred by him to the Company First meeting of shareholders.
Notice thereof.
Election of directors.
Qualification of director.

6. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent., and no subsequent instalment shall exceed ten per cent., and not less than thirty days' notice thereof shall be given: Provided always, that the Company shall not commence the business of insurance until one hundred and twenty-five thousand dollars of capital stock have been paid in, and that within one year thereafter at least fifty thousand dollars of additional capital shall be called up and paid in. Calls on stock.
Commencement of business.

7. The affairs of the Company shall be managed by a board of not less than five nor more than fifteen directors, of whom four shall form a quorum. Board of directors.

Annual general meeting.

Notice.

Statement of affairs.

Offices of the company.

Proviso : as to domicile.

Investment of funds.

Terms and conditions of loans.

Investment in foreign securities.

8. A general meeting of the Company shall be called once in each year after the organization of the Company and commencement of business at such time and place as the directors by by-law determine, after notice has been published at least fifteen days prior thereto in one or more newspapers published in the city of Halifax, and after printed notices have been mailed in the Halifax post office, addressed by registered letter to each shareholder entitled to vote, to the address given in the books of the Company, at least fifteen days before the meeting; and at such meeting a statement of the affairs of the Company shall be submitted.

9. The head office of the Company shall be in the city of Halifax, in the Province of Nova Scotia, or in such other city of Canada as is decided on hereafter by the directors; but branches, sub-boards or agencies may be established either within Canada or elsewhere, in such manner as the directors from time to time appoint: Provided, that no insurance shall be effected in any Province other than the Province in which the head office of the Company is situate until an office or domicile is open in some place therein and a local agent or manager is there appointed.

10. The Company may invest its funds in the debentures, bonds, stock or other securities of Canada, or of any Province thereof, or on the security thereof, or in or on the securities of any municipal corporation of Canada, or on the security or stock or debentures of any incorporated building society, loan or investment company, or of bank stock, or on the security of real estate or mortgage security thereon, or on the security of leaseholds for a term or terms of years, or other estate or interest in real property or mortgage security thereon in any Province of Canada, and may change and re-invest the same as occasion from time to time requires, and take, receive and hold all or any such securities in the corporate name of the Company, or in the name of trustees for the Company appointed by the directors, whether for funds invested by being advanced or paid in the purchase of such securities as aforesaid; such loans to be on such terms and conditions, and in such manner, and at such times, and for such sums, and in such sums of repayment, whether of principal or interest, or principal and interest together, and at such interest and return as the board of directors, from time to time, determine and direct, and whether they are taken absolutely or conditionally or whether such securities are taken in satisfaction of debts due to the said Company, or judgments recovered against any person in its behalf, or in security for the payment of the same or any part thereof.

11. The Company may invest or deposit such portion of its funds in foreign securities as is necessary for the maintenance of any foreign branch.

12. The Company may hold real estate necessary for its head office and other offices, and also such as is *bonâ fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts or of judgments recovered: Provided always, that all real estate so mortgaged or conveyed in security as aforesaid and acquired by the Company, shall be sold and disposed of within seven years from the time of its becoming the absolute property of the Company.

Powers as to real estate.

Proviso: as the sale of property acquired under mortgage.

13. No dividend of more than ten per cent. shall be declared or paid in any one year until such time as the reserve fund equals one-half of the paid up capital.

Dividend limited.

14. The Company, acting by its directors, authorized in that behalf by a resolution of the shareholders, passed at a meeting thereof specially called for the purpose—which resolution must be concurred in by shareholders holding more than one-half of the subscribed stock of the Company—may amalgamate with any fire insurance company doing business in Canada, and for that purpose may execute with such company a deed of amalgamation providing for the amalgamation of the Company hereby incorporated with such company; and upon the execution of such deed of amalgamation and deposit thereof with the Secretary of State of Canada, and after the publication of a notice thereof in the *Canada Gazette*, the franchises, privileges, assets, rights and property of the Company hereby incorporated shall vest in the amalgamated company, by the name of either of the said companies, as may be agreed in the deed of amalgamation; and its obligations and liabilities shall become the obligations and liabilities of the amalgamated company; the whole upon such terms and conditions as are contained in the said deed of amalgamation, not contrary to law or to the provisions of this Act; and all the powers conferred by this Act shall vest in the amalgamated company.

Amalgamation with another company.

Deposit of agreement and effect thereof.

Powers of new company.

15. This Act, and the Company hereby incorporated, and the exercise of the powers hereby conferred shall be subject to the provisions contained in "*The Insurance Act.*"

R.S.C., c. 124 to apply.

16. Notwithstanding anything contained therein, or in any other Act, "*The Companies Clauses Act,*" except sections eighteen and thirty-nine thereof, shall extend and apply to the Company hereby incorporated, and shall be incorporated with and form part of this Act, in so far as the same is not inconsistent with any of the provisions hereinbefore contained.

R.S.C., c. 118 to apply, except ss. 18 and 39.



51 VICTORIA.

CHAP. 97.

An Act to incorporate the Keystone Fire Insurance Company.

[Assented to 22nd May, 1888.]

Preamble.

WHEREAS the Honorable Sir Leonard Tilley, the Honorable John Boyd, James C. Robertson, Henry C. Thorne, T. W. Daniel, and others, all of the city of Saint John, in the Province of New Brunswick, have petitioned for an Act to incorporate them and others under the style and title of "The Keystone Fire Insurance Company," to enable them to carry on the business of fire insurance; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The persons hereinbefore mentioned by name, and such other persons as become shareholders in the corporation by this Act created, are hereby constituted a body corporate under the name of "The Keystone Fire Insurance Company," hereinafter called "the Company."

Corporate name.

Capital stock and shares.

2. The capital stock of the Company shall be five hundred thousand dollars, divided into ten thousand shares of fifty dollars each; and books of subscription shall be opened in the city of Saint John, of which public notice shall be given by such person and under such regulations as the majority of the directors hereinafter appointed direct: Provided always, that the Company may increase its capital stock from time to time to a sum not exceeding two and one-half millions of dollars or such portion thereof as a majority of the stockholders at a meeting specially convened for that purpose agree upon.

Capital may be increased.

Calls on stock.

3. The shares of capital stock subscribed for shall be paid in by such instalments and at such times and places as the directors appoint; no such instalment shall exceed ten per cent of the sum subscribed; thirty days' notice of each call shall be given, and instalments shall not be made payable more frequently than once in three months.

4. The affairs of the Company shall be managed by a board of not less than five nor more than nine directors, as determined by by-law, of whom a majority shall form a quorum.

Number of
directors.

5. The persons hereinbefore mentioned by name are hereby constituted provisional directors of the Company ; and they or a majority of them may cause stock-books to be opened, upon giving due notice thereof by advertisement for two weeks in one or more daily newspapers published in the city of Saint John,—upon which stock-books shall be recorded the subscriptions of such persons as desire to become shareholders in the Company ; and such books shall be opened in the city of Saint John and elsewhere at the discretion of the provisional directors, and shall remain open so long as they deem necessary.

Provisional
directors and
their powers.

6. The principal office of the Company shall be in the city of Saint John, in the Province of New Brunswick ; but the Company may establish agencies or branch offices in any part of Canada, or elsewhere ; and the Company may acquire and hold real estate in the city of Saint John and elsewhere not to exceed in value the sum of one hundred thousand dollars, in which it shall provide itself with the offices necessary for the prosecution of its business.

Offices of the
company.

Real estate.

7. So soon as two hundred thousand dollars of the capital stock have been subscribed as aforesaid, and fifty thousand dollars of the amount subscribed paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders at some place to be named in the city of Saint John, giving at least twenty days' notice thereof in the *Canada Gazette*, and also in some daily newspaper published in the said city, and by registered letter addressed to each shareholder at his address as then in the books of the Company,—at which general meeting the shareholders present in person or represented by proxy who have paid in at least ten per cent. on their respective shares shall elect five directors, who shall constitute a board of directors and shall hold office until the annual general meeting in the year following their election, but no person shall be eligible as a director unless he holds at least twenty shares of the capital stock, and has paid all calls due thereon. But the Company shall not commence the business of insurance until at least one hundred and twenty-five thousand dollars of the capital stock have been paid into some chartered bank in Canada.

First meeting
of shareholders.

Notice there-
of.

Election of
directors.

Qualification
of director.

When busi-
ness may be
commenced.

8. The Company may make and effect contracts of insurance in Canada, Great Britain, the United States of America, or any foreign State, with any person, against loss or damage by fire or lightning, on any house, store or

Business of
the company.

Fire insurance.

other building whatsoever, and in like manner on any tenants' risks, rents, goods, chattels or personal estate whatsoever, for such time or times, and for such premiums or considerations, and under such modifications and restrictions, and upon such conditions as are bargained and agreed upon and set forth by and between the Company and the person agreeing with it for such insurance; and generally may do all matters and things relating to or connected with fire insurance, for such premiums or considerations, and with such modifications, restrictions and conditions as are bargained or agreed upon or set forth, and may grant all policies therein and thereupon, and may cause itself to be insured against any loss or risk it incurs in the course of its business, and generally may do and perform all other necessary matters and things connected with and proper to promote such objects.

Re-insurance.

Powers as to real estate mortgaged to the company.

9. The Company may take, hold and acquire, in addition to the real estate referred to in section six of this Act, all lands and tenements, real or immovable estate, *bonâ fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which have been obtained for such debts, or purchased for the purpose of avoiding a loss to the Company in respect thereof or of the owners thereof: Provided, that all real estate so acquired shall be disposed of within seven years after its becoming the property of the Company.

Investment of funds.

10. The Company may invest its funds, or any part thereof, in or lend on the security of the public securities of Canada or of any of the Provinces thereof, or of any foreign State or States,—such investment in securities of foreign States, not at any time to exceed fifty per cent. of the funds then invested,—or in the stocks of any chartered banks or building societies, or in the bonds or debentures of any incorporated city, town or municipality authorized to issue bonds or debentures, or in mortgages on real estate, as the directors elect, and may, from time to time, vary or sell the said securities or mortgage or pledge the same, as occasion requires.

R.S.C., c. 124 to apply.

11. This Act and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions contained in "*The Insurance Act.*"

R.S.C., c. 118 to apply.

12. Notwithstanding anything contained therein, or in any other Act, "*The Companies Clauses Act,*" except section thirty-nine thereof, shall extend and apply to the Company hereby incorporated, and shall be incorporated with and form part of this Act in so far as the same is not inconsistent with any of the provisions hereinbefore contained.



51 VICTORIA.

CHAP. 98.

An Act to empower the Merchants' Marine Insurance Company of Canada to relinquish its Charter, and to provide for the winding up of its affairs.

[Assented to 22nd May, 1888.]

WHEREAS the Merchants Marine Insurance Company Preamble of Canada has, by its petition, represented that, at the annual meeting of the shareholders of the Company held on the eighth day of February, one thousand eight hundred and eighty-one, it was unanimously resolved that the Company should cease to carry on business, and that its affairs should be wound up; and whereas, in pursuance of the said resolution, the Company forthwith ceased to issue policies of insurance, and has since been liquidating its affairs and discharging its liabilities; and whereas all contracts of insurance under policies issued by the Company have long since expired, and the affairs of the Company are now almost entirely wound up, and the Company has prayed for authority to close its business and to relinquish its charter; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding anything contained in the Acts Company incorporating and relating to the Company, the Company may be wound up. may and is hereby authorized and empowered to close its business and wind up its affairs, and relinquish its Act of incorporation, and be dissolved.

2. After payment of the admitted debts of the Company, Dividends after paying liabilities. and after reserving a sufficient sum to meet all disputed or unadjusted claims, the directors shall, from time to time, be at liberty to distribute the balance, as dividends, among the shareholders in proportion to the amounts paid up on the shares by each shareholder; but no shareholder in arrears for or in respect of any call, shall participate in such distribution until the other shareholders have been paid in full

the amount they have paid in excess of those in default, together with interest on the said excess, to be computed from the actual day of payment, not earlier than the day fixed for payment of each call.

**Directors may
enforce pay-
ment of calls.**

3. The directors, so far as they deem it necessary for the purpose of equalizing the proportion of loss to be borne by the shareholders in respect of each share, shall, notwithstanding anything in this Act contained, or anything done thereunder, be at liberty to enforce payment of any calls made before or after the passing of this Act and remaining unpaid, or such part thereof as they deem necessary, together with interest thereon from the time when the same became payable.

**Proceedings
after winding
up.**

4. When the affairs of the Company are finally wound up, the directors shall make a report thereof in writing, and shall mail a copy of such report by registered letter to each shareholder, addressed to him at his address as then on the register of shareholders; and if, at a general meeting of the Company duly summoned for that purpose, such report is adopted, and a resolution is passed declaring the wish of the Company to relinquish its charter and become dissolved, the directors may make such provision for the disposal and custody of the books, documents and records of the Company as they deem fit, and shall cause a notice of the passing of such resolution, and of the provision made by them for such disposal and custody, to be published in *The Canada Gazette*, and upon such publication the Company shall be deemed to have relinquished its charter, and to be finally dissolved.

**Directors to
continue in
office until
winding up.**

5. The present directors of the Company shall continue to be directors of the Company until the final winding up of its affairs; and, in case of the death or resignation of any director, the remaining directors are hereby empowered to appoint another in his place; and the directors may call special or general meetings of the shareholders, as and when they deem it advisable, in such manner, and giving such notice thereof, as the said directors, from time to time, think fit.

**And may
call meetings.**

**Liabilities not
affected.**

6. Nothing herein contained shall affect or vary the liability of the said Company to the creditors thereof, or of the shareholders thereof for any unpaid balance upon their shares.



51 VICTORIA.

CHAP. 99.

An Act to amend the several Acts relating to the Board of Trade of the City of Toronto.

[Assented to 22nd May, 1888.]

WHEREAS the Board of Trade of the city of Toronto, Preamble.
hereinafter called the Board of Trade, incorporated by an Act of the Legislature of the late Province of Canada, passed in the eighth year of Her Majesty's reign, chaptered twenty-four, and intituled "*An Act to incorporate the Board of Trade of the City of Toronto*," have petitioned for certain amendments to the said Act, and to the Act passed in the forty-seventh year of Her Majesty's reign, chaptered forty-six, and intituled "*An Act to amalgamate the Board of Trade of the City of Toronto and the Toronto Corn Exchange Association*," and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

8 V., c. 24 (Can.)
47 V., c. 46.

1. From and after the passing of this Act new members, Admission of new members.
if they are eligible under the provisions of the said Acts referred to in the preamble, may be admitted in such manner and subject to such rules and regulations as are provided, from time to time, by the by-laws of the said Board of Trade; and the ninth and twelfth sections of the said Act eighth Victoria, chapter twenty-four, are hereby amended accordingly.

2. The said Board of Trade shall have power to expel any member for such cause and in such manner as are provided, from time to time, by the by-laws of the said Board of Trade, and shall also have power to suspend any member and debar him from the privileges of and incidental to membership, for such cause and in such manner as are provided, from time to time, by the by-laws of the said Board of Trade. Expulsion and suspension of members.

Limitation of
number of
members.

3. The said Board of Trade may provide by by-law for the limitation of the number of persons who may become or be, from time to time, members thereof.

Form of ^{NOTE}
agreement for
arbitration
may be pre-
scribed.

4. The said Board of Trade may, notwithstanding anything to the contrary contained in the several Acts relating to the said Board of Trade and to the Toronto Corn Exchange Association, provide by by-law any form of agreement or submission to arbitration between its members not contrary to law, in lieu of the form contained in Schedule "A" to the Act firstly hereinbefore mentioned, and in lieu of the form contained in Schedule "A" to the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered forty-five, and intituled "*An Act to incorporate the Toronto Corn Exchange Association*;" and section nine of the said last-mentioned Act shall apply to the form so substituted.

35 V., c. 45.

OTTAWA : Printed by BROWN CHAMBERLIN, LAW Printer to the Queen's Most Excellent Majesty



51 VICTORIA.

CHAP. 100.

An Act to grant certain powers to the Nova Scotia Telephone Company, Limited.

[Assented to 22nd May, 1888.]

WHEREAS the Nova Scotia Telephone Company, (Limited), a body corporate and politic, incorporated by special Act of the Province of Nova Scotia, passed in the fiftieth year of Her Majesty's reign, chapter one hundred, is desirous of extending its operations and of carrying on a telephone business within and between the Provinces of Nova Scotia and New Brunswick, and has, by petition, prayed for the passing of an Act of the Parliament of Canada for that purpose; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

50 V. (N.S.)
c. 100.

1. The Company may construct, erect and maintain its line or lines of telephone along the sides of and across or under any public highways, streets, public bridges, water-courses or other such places, in the Provinces of New Brunswick and Nova Scotia; and may, by its servants, agents or workmen, enter upon any street, public road, public bridge, water-course or highway, in any city, incorporated town, village, county or municipality in the said Provinces, for the purpose of erecting and maintaining its line or lines of telephone along the sides of, or across or under the same; and may construct, erect and maintain such and so many poles or other works and devices as the Company deems necessary for making, completing and supporting, using, working and maintaining the system of communication by telephone; and may stretch wires thereon and, from time to time, as often as the Company, its agents, officers or workmen think proper, break up and open any part whatsoever of the said roads, streets, highways or water-courses, subject, however, to the following provisions, that is to say:

Construction and maintenance of line.

(a.) The Company shall not interfere with the public right of travelling on or using such roads, streets, highways or

Public rights saved.

water-courses, and shall not do any unnecessary damage, nor in any way obstruct the entrance to any door or gateway or free access to any building erected in the vicinity ;

Height of
wires above
street, &c.

(b.) The Company shall not affix any wire less than twenty-two feet above the surface of the street or road, nor erect more than one line of poles along any road or street, without the consent of the municipal council having jurisdiction over the roads or streets of the municipality ;

Poles.

(c.) In any such municipality the poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council ;

Cutting poles
or wires in
case of fire.

(d.) Whenever, in case of fire, it becomes necessary for its extinction or the preservation of property, that the poles or telephone wires should be cut, the cutting under such circumstances of the poles or any of the wires of the Company, under the direction of the chief engineer or other officer in charge of the fire brigade, shall not entitle the Company to demand or claim compensation for any damage thereby incurred ;

Liability for
damages.

(e.) The Company shall be responsible for all damage which its agents, servants or workmen cause to individuals or property in carrying out or maintaining any of its said works ;

As to trees.

(f.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree ;

Approval of
municipality.

(g.) In all municipalities the opening up of streets for the erection of poles, or for carrying the wires under ground, shall be subject to the direction and approval of the engineer or such other official as the council appoints, and shall be done in such manner as the council directs ; the council may also direct and designate the places where the poles are to be erected in such municipality, and the surface of the street shall in all cases be restored as far as possible to its former condition by and at the expense of the Company :

Company
may be re-
quired to
carry wires
underground.

2. No Act of Parliament requiring the Company, in case efficient means are devised for carrying telegraph or telephone wires under ground, to adopt such means, and abrogating the right given by this section to continue carrying lines on poles through cities, towns or incorporated villages, shall be deemed an infringement of the privileges granted by this Act :

Workmen to
wear badges.

3. No person shall labor upon the work of erecting or repairing any line or instrument of the Company without having conspicuously attached to his dress a medal or badge on which shall be legibly inscribed the name of the Company and a number by which he can be readily identified :

Protection of
private rights

4. Nothing herein contained shall be deemed to authorize the Company, their servants, workmen or agents, to enter upon any private property for the purpose of erecting, maintaining or repairing any of their works, without the previous assent of the owner or occupant of the property for the time being.

2. The Company may purchase or lease for any term of years, any telephone line established, or to be established in New Brunswick and Nova Scotia connecting, or hereafter to be connected with the lines which the Company is authorized to construct, or may purchase or lease for any term of years the right of any Company to construct any such telephone line; and may amalgamate with or lease its line or any portion or portions thereof from time to time to any Company or person possessing, as proprietor, any line of telegraphic or telephonic communication connecting or to be connected with the Company's lines; and the Company may enter into any arrangements with any person or Company possessing, as proprietor, any line of telegraph or telephonic communication, or any power or right to use communication by means of the telephone, upon such terms and in such manner as the board of directors from time to time deems expedient or advisable, or may become a shareholder in any such Corporation.

Power to purchase lines.

And to make arrangements with another company.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty,



51 VICTORIA.

CHAP. 101.

An Act to incorporate the Buffalo, Chippawa and Niagara Falls Steamboat and Tramway Company.

[Assented to 22nd May, 1888.]

Preamble.

WHEREAS the persons hereinafter named are desirous of being incorporated as a company for the purpose of building or otherwise acquiring and operating steamboats to ply between the city of Buffalo, in the State of New York, and some point on the Niagara or Welland River, at or near the village of Chippawa, in the Province of Ontario, calling at intermediate ports or places, with the powers incidentally necessary to the carrying out of such purpose, and also for the purpose of constructing, maintaining and operating in connection with their said steamboats a tramway, to be operated by electricity or any other motive power, other than steam, between the port or place on the Niagara or Welland River, at or near the village of Chippawa, which shall be the Canadian terminal point of the said steamboats, and a point at or near the town of Niagara Falls, in the Province of Ontario, to the southern or south-western boundary of the Queen Victoria Niagara Falls Park, with all the powers incidentally necessary for such last mentioned purpose and with the other powers hereinafter mentioned; and whereas a petition has been presented praying for the incorporation of a Company for that purpose, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. H. C. Sims, of Niagara Falls; William R. Brock, of the city of Toronto; W. E. Tench, of Chippawa; Leonard McGlashen, of Niagara Falls, Ontario; and John Harvey, William Hendrie and Alexander Turner, of the city of Hamilton, together with such persons as, under the provisions of this Act, become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Buffalo, Chippawa and Niagara Falls Steamboat and Tramway Company," hereinafter called "the Company."

Corporate name.

2. The head office of the Company shall be in the town of Niagara Falls, in the Province of Ontario, but the board of directors may establish one or more offices in other places in Canada or elsewhere. Offices of the company.

3. The Company may build, charter or otherwise acquire and own and operate one or more steamboats to ply between the city of Buffalo, in the State of New York, one of the United States of America, and some port or place on the Niagara or the Welland River, at or near the village of Chip-pawa, in the Province of Ontario, with the right to call at any intermediate ports or places, for the transportation of passengers and freight, and may also build, acquire, charter and own and operate other boats or vessels which the Company consider necessary or advisable to have incidentally to the running of such steamboats and the transportation of passengers and freight as aforesaid, and may also sell or otherwise dispose of or mortgage the said steamboats or other boats or vessels. Powers as to steamboats.

4. The Company may, having first obtained the consent of the municipality affected, also lay out, construct and operate, in connection with the said steamboats, for the transportation of passengers and freight, a single or double track tramway of any gauge, to be operated by electricity or any motive power other than steam, to extend from the port or place on the Niagara or Welland River, at or near the village of Chip-pawa, which is to be the terminal port or place in Canada of the said steamboat line, and a point in or near the town of Niagara Falls, in the Province of Ontario, to the southern or south-western boundary of the Queen Victoria Niagara Falls Park, and branches and side tracks, and for the purposes in this section mentioned may pass over any portions of the country between the aforesaid points: Provided that the Company shall not take possession of, use, or occupy any part of the Queen Victoria Niagara Falls' Park, or any lands now vested in the Commissioners of the Queen Victoria Niagara Falls' Park. Powers as to tramway.

5. The Company may build or otherwise acquire and own and use and sell or dispose of any wharfs, docks, warehouses, elevators and other buildings for the purposes of its said steamboats and other vessels and tramway and of its transportation business, and may acquire and use real or personal property for the purposes of the Company, and may sell or otherwise dispose of the same; but the Company shall not commence the construction of any wharf or dock until the plans and site of the said wharf or dock have first been submitted to and approved of by the Governor in Council. Protection of Falls Park.

6. The sections of "*The Railway Act*" under the titles or sub-headings following, that is to say: "Powers," Certain provisions of Railway Act to apply, except

except sub-section fifteen thereof, "Plans and Surveys," except sub-section fifteen thereof; "Lands and their valuation," except sections nine, ten and eleven thereof, and "Tolls," shall, for the purposes of the construction, maintenance and operation of the said tramway, and for such purposes only, and only in so far as the said provisions are not inconsistent with this Act, apply to the Company; and section eighteen of "*The Companies Clauses Act*" shall not apply to the Company.

Section 18 of R.S.O., c. 118 not to apply.

Provisional directors and their powers.

7. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, of whom a majority shall be a quorum; and the said provisional directors shall hold office as such until the first election of directors under this Act, and may forthwith open stock books and procure subscriptions of stock for the undertaking and allot the stock, and receive payments on account of the stock subscribed and allotted, and deposit in any chartered bank of Canada moneys received by them on account of stock subscribed, — which moneys shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the Company for any cause whatsoever.

Moneys deposited to be withdrawn for certain purposes only.

Capital stock and shares.

8. The capital stock of the Company shall be one hundred thousand dollars, divided into shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and all the remainder of such money shall be applied to the carrying out of the purposes of this Act.

First meeting of shareholders.

9. So soon as twenty-five thousand dollars of the said capital have been subscribed as aforesaid, and ten per cent. thereof paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at the town of Niagara Falls, at such time and place as they think proper, giving at least fourteen days' notice thereof in a newspaper published at the town of Niagara Falls, in Ontario, and in one or more of the daily newspapers published in the city of Toronto,—at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them shall elect five directors from the shareholders possessing the qualifications hereinafter mentioned, of whom a majority shall form a quorum; and such directors shall hold office until the next annual general meeting of the shareholders, as hereinafter provided.

Notice thereof.

Election of directors.

Annual general meeting.

10. The annual general meeting of the shareholders, for the election of directors and other general purposes, shall be held on the first Tuesday in May in each year, at the

town of Niagara Falls, in Ontario, or elsewhere in Canada, as may be appointed by by-law; and notice of the hour and place of such meeting shall be given at least fourteen days previously in one or more daily newspapers published at the town of Niagara Falls, in Ontario, and in the city of Toronto.

11. At such annual general meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose five persons to be directors of the Company, of whom a majority shall be a quorum, and one or more of whom may be paid directors of the Company.

Number of directors.

12. No person shall be elected a director of the Company unless he is a shareholder holding at least ten shares in the stock of the Company, and has paid up all calls made thereon and then due.

Qualification of director.

13. Special general meetings of the shareholders may be called in such manner and upon such notice as are prescribed by by-law of the Company.

Special meetings.

14. Aliens shall have the same rights as British subjects to take and hold stock or shares in the Company and to vote either as principals or proxies, and shall be eligible to office in the Company.

Equal rights of shareholders.

15. The directors may, in addition to the ordinary capital stock, issue preferential or preferred stock to any amount not exceeding twenty-five thousand dollars; but no such preferential or preferred stock shall be issued until the authority of the shareholders of the Company has been obtained for that purpose at a special general meeting of the shareholders called for that purpose and attended by shareholders in person or represented by proxy who represent at least two-thirds in value of the subscribed stock of the Company and have paid all calls due upon their stock; and the said stock when issued may be pledged or sold by the directors for the purpose of raising money or securing advances of money for any of the objects of the Company; and the holders of such stock shall have all the rights and privileges of holders of the ordinary stock, and the dividends on such stock shall be preferential as between the holders thereof and the holders of ordinary shares at a rate not exceeding six per cent. per annum and shall be cumulative.

Issue of preferential stock.

With consent of shareholders.

Disposal thereof.

Rights of holders.

16. No shareholder shall, as such, be liable for any claim, engagement or loss or payment, or for any injury, transaction, matter or thing relating to or connected with the Company, or the liabilities, acts or defaults of the Company, beyond the sum, if any, remaining due and unpaid on the shares subscribed for or held by him in the stock of the Company.

Liability of shareholders.

Borrowing powers.

Mortgages.

Amount limited.

Promissory notes may be issued.

Notes not to be payable to bearer.

Grants in aid may be received.

17. The directors may, when thereto authorized by a resolution of the shareholders, at any meeting specially called for such purpose, and attended by shareholders in person or represented by proxy, who represent at least two-thirds in value of the subscribed stock of the Company and who have paid all calls due upon their stock, borrow money on behalf of the Company, at such rates of interest and upon such terms as they may, under such resolution determine; and to effect such loan the directors may authorize the managing director of the Company, or the president or any two of the directors to make and execute mortgages, issue, grant and consent to bottomry or other bonds, or other instruments which are necessary, and to that end charge such property of the Company as they are by such resolution authorized to charge, by way of pledge, mortgage, or hypothec, and may assign, transfer or deposit any of the documents, title deeds, muniments, securities or property of the Company, and either with or without power of sale, or other special provisions, as the directors under the authority conferred at such meeting deem expedient: Provided that the aggregate of the sum or sums borrowed on bonds under the authority of this section issued shall not, at any time, exceed half the amount of the paid up capital stock of the Company; and no lender on or purchaser of bonds so issued by the Company shall be bound to enquire into the occasion of such loan, or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted.

18. The Company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars; and every such note or bill made, drawn, accepted or indorsed by the president or vice-president of the Company, and countersigned by the secretary, shall be binding on the Company; and every such note or bill of exchange so made, drawn, accepted or indorsed, shall be presumed to have been made, drawn, accepted or indorsed with proper authority until the contrary is shown; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible for the same, unless such promissory note or bill has been issued without proper authority; but nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

19. The Company may receive in aid of the construction of the tramway from any person or body corporate, municipal or politic, having power to grant the same, any bonus or debenture or other benefit of any sort, either with or without

out conditions, and may enter into an agreement for the carrying out of any such conditions or with respect thereto.

20. The directors of the Company elected by the shareholders may make and issue as paid up stock shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, steamboats or other vessels, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Paid up stock may be received in certain cases.

21. The Company may also construct electric telegraph and telephone lines for the purposes of its undertaking in connection with the tramway.

Telegraph and telephone lines.

22. The Company may carry on the business of wharfingers and warehousemen, and may charge on all property placed with them or in their custody such fair remuneration as is fixed upon by the directors for storage, warehousing, wharfage, dockage, cooperage, grazing or any other care or labor in and about such property on the part of the Company, over and above the regular freight and primage upon the said property which has been carried or may be carried by them.

Company may carry on business of warehousemen, &c.

23. The Company may recover all charges paid or assumed by them subject to which goods or commodities come into their possession, and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession; and the Company shall be subrogated by such payment in the rights and remedies of such persons for such charges.

Recovery of back charges.

24. The Company, in the event of non-payment of freight, advances and other charges when due upon goods or property in their possession or under their control, may sell at public auction the goods whereon such advances and other charges have been made and may retain the proceeds or so much thereof as is due to the Company together with the costs and expenses incurred in and about such sale, returning the surplus, if any, to the owner of such goods or property; but before any such sale takes place thirty days' notice of the time and place of such sale and of the amount of the charges or moneys payable to the Company in respect of such goods or property shall be given in one newspaper published in the county of Welland, and by registered letter transmitted through the Post Office to the last known address of the owner of such goods or property, except in case of perishable goods or effects, which may be sold after the

Sale of goods for non-payment of dues.

Notice of sale.

expiration of one week or sooner if necessary, unless otherwise provided in the contract between the parties.

Tramway to be only in connection with steamboats, and may be abandoned after eight years.

25. The Company shall not be bound to carry freight on the said tramway or to operate the said tramway for any purpose except during the time that the said steamboats are running and in connection therewith, and may, at the end of eight years, or at any subsequent period, abandon and relinquish the said tramway and take up and remove all rails, ties, and other material used in the construction thereof; and, in such case, all lands acquired for the purpose of the said tramway shall forthwith thereafter vest in the owner of the lands respectively severed by the said tramway or in the person now owning the same, his heirs or assigns.

Limitation of time.

26. The tramway hereby authorized shall be commenced within three years, and completed within five years, from the passing of this Act, otherwise the powers hereby granted shall cease and be null and void as respects so much of the work as then remains uncompleted.

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51 VICTORIA.

CHAP. 102.

An Act relating to the Upper Ottawa Improvement Company.

[Assented to 22nd May, 1888.]

WHEREAS the Upper Ottawa Improvement Company Preamble.
have petitioned for an Act to extend the powers conferred upon them and to amend the Acts respecting their incorporation, and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subject to the provision in the following section contained, the Upper Ottawa Improvement Company shall, over any part of the river line of the Ottawa river from the head of the Chats rapids, to the foot of the Quinze rapids, and on the shores adjoining the said extent of the said river and the islands therein, have power to purchase or acquire any booms or piers in the said part of the said river, and to construct and maintain any dam, slide, wharf, pier, boom or other work necessary to facilitate the transmission and towing of timber and saw-logs down the Ottawa river, and to blast rocks, dredge or remove shoals or other impediments, or otherwise improve the navigation of the said river, upon payment of compensation to any individual injured thereby. Certain works authorized.

2. The Company shall, at whatever point on the shores of the Ottawa river or islands in the said river they determine it necessary to attach the said booms or construct the said dams, wharves, piers or slides, first obtain the formal approval of the Governor in Council of their selection of such point or points, and of the locations of the said booms, Subject to sanction of Governor in Council.
dams, wharves, piers or slides, and may then acquire by purchase at each of such points a parcel of land suitable for their purpose. Acquisition of lands.

3. Before the Company proceed with the construction of their booms, wharves, piers and works, and of any future alterations Plans to be submitted for approval.

alterations or enlargement thereof, plans of the same and of any such proposed amendments thereof shall be made and submitted to and approved of by the Minister of Public Works for the time being.

Capital stock
may be in-
creased.

4. The Company is authorized to increase its capital stock to the sum of two hundred and fifty thousand dollars, in shares of twenty dollars each,—which increase shall be made by a majority of the shareholders present in person or represented by proxy at any general or special meeting of the Company called for the purpose, and may be so made at once or from time to time, as may be expedient; and stock books for such additional stock may be opened by order of the directors.

Disposal of
new stock.

5. After one month's notice in the *Canada Gazette*, and in one or more newspapers published in the city of Ottawa, and in the counties of Pontiac and Renfrew, a book shall be opened at the chief place of business of the Company at the city of Ottawa, in which any person may subscribe for shares of the capital stock increased by this Act; and in case a larger number than the shares to be allotted shall be subscribed for, then there shall be an allotment of shares among the subscribers *pro rata* so that no subscriber shall be excluded. Ten per cent. shall be paid up upon the allotment therefor, and in default of payment of any call duly made, the unpaid stock in respect of which a shareholder is in default, shall be recoverable by the Company in an action of debt against such defaulting shareholder.

Allotment
thereof.

Calls.

6. Such additional shares or stock may be called in, demanded and recovered in the same manner and under the same penalties as provided or authorized in respect of the original shares or stock of the Company.

Issue of
bonds.

7. The board of directors of the Company, under the authority of the shareholders to them given at any annual or special general meeting called for the purpose in the manner mentioned in section five of this Act, attended by shareholders in person or represented by proxy, who represent at least two-thirds in value of the subscribed stock of the Company, and who have paid all calls due thereon, may, from time to time, borrow money, and issue debentures of the Company therefor, to an amount not to exceed in the aggregate the sum of one hundred and fifty thousand dollars.

Amount
limited.

Form of
bonds.

8. The debentures of the Company shall be for such sums not being less than one hundred dollars, and in such currency, and shall bear such rate of interest, not greater than six per cent. per annum, as the board of directors deem advisable, and shall be payable not less than one year from the issue thereof, at such place as is therein mentioned, and

may be in the form of schedule A to this Act or to the like effect.

9. The board of directors may make the principal of such borrowed money repayable by annual instalments during the currency of the period, not to exceed thirty years, within which the debentures are to be paid,—such instalments to be of such amounts that the aggregate amount of principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period,—and may issue the debentures of the Company for the amounts and payable at the times corresponding with such instalments, together with interest annually or semi-annually; and such debentures may be in the form set forth in schedule B to this Act or to the like effect.

Payment thereof.

10. No dividend shall be paid by the Company in any year until and unless full provision is made for the said instalments of principal and interest falling due in that year.

When only dividend may be paid.

11. The Company may construct, acquire, charter, navigate and maintain steamboats and tugs, for the towing of logs and timber upon the Ottawa River, from the Quinze rapids to the Chaudière, and may tow logs and timber upon the said river between the said points at such rates and charges as are reasonable, and approved of by the Governor in Council.

Company may own steam vessels for towing timber.

12. The Company may, having first received the written consent of the respective owners thereof, collect, save, sort and tow all timber, lumber and saw logs found loose upon the Ottawa river or stranded upon the shallows and banks thereof, and shall be entitled to be paid reasonable dues and charges therefor.

Company may collect logs, &c.

13. A tariff for all dues and charges, which by this Act the Company are entitled to exact, shall, before being imposed, be first approved of by the Governor in Council and published in the *Canada Gazette*, and in at least one newspaper in the city of Ottawa, and in one in each of the counties of Pontiac and Renfrew, and the Governor in Council may, from time to time, alter and amend such tariff of dues and charges; and no discrimination or preference in the passage of any of the said booms, or in tariff rates, shall be made in favor of or against the logs of any persons, passing through any of the said booms; and in fixing any rate or toll the Company shall not make any unjust or partial discrimination between different localities or persons.

Tariff of charges; approval and publication thereof.

No discrimination in rates.

14. The Company may, for its own use only, construct, acquire and operate telegraph and telephone lines in connection

Telegraph and telephone lines.

nection with their business and works upon the Ottawa river and the banks thereof.

Payment of directors.

15. At any annual meeting of the shareholders, or at any special general meeting, it shall be lawful to enact by-laws or pass resolutions for the remuneration of the directors.

Statement for Minister of Public Works and what it shall contain.

16. The Company shall annually, in the month of January, report to the Minister of Public Works for the time being; such report shall be under the oath of the treasurer of the Company and shall specify:—

- (1.) The actual cost of the work in cash;
- (2.) The amount of all money expended;
- (3.) The amount of the capital stock and how much paid in;
- (4.) The whole amount of tolls expended on such work;
- (5.) The amount received during the year from tolls and all other sources, stating each separately and distinguishing the tolls on different kinds of timber;
- (6.) The amount of dividends paid;
- (7.) The amount expended for repairs; and—
- (8.) The amounts of debts due by the Company, specifying the objects for which the debts respectively were incurred, and shewing the amount of outstanding debentures.

38 V., c. 77 and 39 V., c. 72 to apply.

17. All the provisions of the Act incorporating the Company and of the Acts amending the same, which are applicable to the Company, and not inconsistent with the provisions of this Act, shall apply and be continued under this Act.

Navigation not to be impeded.

18. Wherever a boom is permitted to be placed in such a position as to in any way interfere with the channel, the Company shall provide at its own cost and expense a sufficient number of men and there station them for the purpose of opening and closing the trip of the boom, which said trip shall not be less than four hundred and fifty feet in width, and the same shall be opened promptly and so as to cause no delay, and the necessary steps shall be taken for keeping the channel clear for the passage of vessels and rafts.

Equality of rights as to towing.

19. The Company, if they acquire and operate steamboats, shall afford facilities for towing timber and shall give at all times due and reasonable preference or advantage in towing timber, as against towing sawlogs, so that the owners of timber requiring to be towed shall not suffer any undue or unreasonable prejudice in any respect whatever.

Works may be assumed by the Crown.

20. Whenever it is found expedient for the public service, or to be for the general advantage of Canada, the Governor in Council may declare the Company dissolved and may declare all the works of the Company to vest in the

Crown, upon payment to the Company of the actual value of the works, to be decided by arbitrators, one of whom shall be appointed by the Minister of Public Works and one by the Company; and if they do not agree to the award, the judge of the Exchequer Court of Canada shall be the third arbitrator: Provided always, that in no case shall the actual value exceed the actual cost of the works. Compensation.

21. Whenever it is found expedient in the public interest that any portions of the Company's works should be removed from the Ottawa river, the Governor in Council may by order direct that such portion of the works be removed from the river; and the Company shall forthwith remove such works indicated in the said order, without any compensation whatever. Portions of works may be ordered to be removed.

SCHEDULE A.

No.

\$

The Upper Ottawa Improvement Company.

Under and by virtue of the Act passed in the year of the reign of Her Majesty Queen Victoria and chaptered and by virtue of a by-law of the directors of the Upper Ottawa Improvement Company, dated the day of 188 , the Upper Ottawa Improvement Company promises to pay the bearer at the Bank of British North America, in the city of Ottawa, the sum of on the day of

A D. and the half yearly coupons hereto attached, as the same shall severally become due.

Dated at day of in the County of , this , A.D.

*President.**Treasurer*

COUPON.

Coupon for interest and semi-annual instalment of The Upper Ottawa Improvement Company's debenture issued under by-law of the Upper Ottawa Improvement Company, dated the day of , \$ payable at the Bank of British North America, in the City of Ottawa, on day of A.D. 188 .

*President.**Treasurer.*

SCHEDULE B.

No. §

Debenture of the Upper Ottawa Improvement Company.

The Corporation of The Upper Ottawa Improvement Company hereby promises to pay to bearer at the Bank of British North America, in the City of Ottawa, the sum of _____ dollars of lawful money of Canada and interest thereon at six per cent. per annum, in equal annual instalments of _____ dollars, the first of such instalments to be paid on the _____ day of _____ A.D. 188____, pursuant to by-law passed by the directors of the said corporation dated _____ day of _____, 188____, to raise the sum of _____, pursuant to an Act passed in the _____ year of Her Majesty's reign, intituled "An Act relating to the Upper Ottawa Improvement Company."

*President.**Secretary.*

Coupon for first annual instalment of debenture number _____, of The Upper Ottawa Improvement Company issued under by-law passed by the directors on the _____ day of _____ 188____, \$ _____ payable at the Bank of British North America, in the city of Ottawa.

OTTAWA: Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 103.

An Act to incorporate The Bronsons and Weston Lumber Company.

[Assented to 22nd May, 1888.]

WHEREAS Henry Franklin Bronson, of the city of Preamble.
Ottawa, lumber merchant, Erskine Henry Bronson, of
the city of Ottawa, lumber merchant, Abijah Weston, of
Painted Post, in Steuben county, in the State of New York,
one of the United States of America, lumber merchant,
Frank Pierce Bronson, of the city of Ottawa, lumber mer-
chant, and Walter Goodman Bronson, of the city of Ottawa,
lumber merchant, have, by their petition, represented that
they are desirous of becoming incorporated under the name
of "The Bronsons and Weston Lumber Company," and have
prayed that an Act may be passed for that purpose; and
whereas it is expedient to grant the prayer of the said
petition: Therefore Her Majesty, by and with the advice
and consent of the Senate and House of Commons of
Canada, enacts as follows:—

1. Henry Franklin Bronson, Erskine Henry Bronson, Incorporation.
Abijah Weston, Frank Pierce Bronson, and Walter Goodman
Bronson, and such other persons as hereafter become share-
holders in the Company hereby incorporated, shall be and
they are hereby constituted a body corporate and politic
under the name of "The Bronsons and Weston Lumber Corporate
Company," hereinafter called "the Company." name.

2. The Company may carry on throughout the Dominion Business of
of Canada, and elsewhere, the business of lumberers, timber the company.
merchants and manufacturers of timber and lumber, in all
its branches, and also of pulp, wood pulp, and other products
from wood or wood materials, and also the business of whar-
fingers, vessel owners, general merchants and dealers; and
may, for all or any of the purposes aforesaid, purchase, lease Powers as to
or otherwise acquire any licenses to cut timber, timber real and other
limits, lands, buildings, works, goods, wares or merchandise, property.
and other property, real and personal, movable and immov-
able,

Proviso: for certain purposes only.

able, and improve, manage, develop, lease, mortgage, exchange, sell, dispose of, turn to account or otherwise deal in and with the same: Provided, that nothing herein contained shall be construed as enabling the Company to acquire real estate beyond what is necessary for the carrying on of their business as aforesaid.

Certain business and property may be acquired.

3. The Company may also purchase, take over or otherwise acquire all or any of the business or businesses now being carried on by the firm of Bronsons and Weston at the city of Ottawa and elsewhere, and the whole or any of the goodwill, stock in trade, assets and property, real and personal, movable and immovable, of the firm of Bronsons and Weston, subject to the obligations, if any, affecting the same; and may pay the price thereof wholly or partly in cash, or wholly or partly in fully or partly paid up shares of the Company, or otherwise, and may also undertake, assume, guarantee or pay all or any of the obligations, liabilities, contracts and engagements of the firm of Bronsons and Weston, and also the obligations affecting the assets and property purchased from them.

Further provision as to the said acquisition.

Shares in certain companies may be acquired.

4. The Company may take or otherwise acquire shares in any boom or river improvement company, and may sell, hold or otherwise deal in the same.

Company may be party to certain instruments.

Proviso: no notes to be payable to bearer.

5. The Company may make, accept, indorse or execute cheques, promissory notes, bills of exchange, warehouse receipts and other negotiable instruments: Provided however, that nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, on demand, or intended to be circulated as money or as the note or bill of a bank.

Borrowing powers; and as to security for moneys borrowed.

6. The directors of the Company may, from time to time, at their discretion, borrow moneys for the purposes of the Company, and secure the repayment of any of the moneys so borrowed, or any other moneys owing by the Company, in such manner and upon such terms and conditions as they see fit, and in particular by the mortgage, pledge, hypothecation or charge of or on all or any of the assets and property of the Company.

Issue of debentures.

7. The directors of the Company, under the authority of the shareholders given at any general meeting called for the purpose and attended by shareholders, in person or by proxy, representing at least one half in value of the issued capital stock of the Company, may also, from time to time, create and issue debentures for sums of not less than one hundred dollars each, signed by the president or other presiding officer, and countersigned by the secretary, and payable to bearer or order; and the directors may sell or pledge the said

said debentures for the purpose of borrowing money or of paying or securing the indebtedness of the Company; provided that the total amount of debentures at any time outstanding shall not exceed two hundred and fifty thousand dollars; and said debentures, if intended to be secured, may be secured by mortgages upon such of the property and assets of the Company as are described in the said mortgages; and the said mortgages may give to the holders of the said debentures or the trustee or trustees for such holders named in such mortgages, such powers, powers of sale, rights and remedies, as are specified in such mortgages.

Amount limited.

How secured.

8. The capital stock of the Company shall be six hundred thousand dollars, divided into six thousand shares of one hundred dollars each.

Capital stock and shares.

9. Henry Franklin Bronson, Erskine Henry Bronson, Abijah Weston, Frank Pierce Bronson and Walter Goodman Bronson shall be the first or provisional directors of the Company, and shall hold office until replaced by others duly appointed in their stead, and shall have and possess all the powers which are conferred upon directors by "*The Companies Clauses Act*" and this Act; and until otherwise ordered by by-law or resolution of the provisional directors, any three of them may call meetings of the provisional directors to be held at the city of Ottawa, at such times as they determine; provided that notice in writing, signed by the provisional directors calling any such meeting, of the date and place of holding the same, shall be mailed by registered letter to the address of the other directors, not less than ten days previously. A majority of the provisional directors shall form a quorum.

Provisional directors.

Meetings.

Notice thereof.

Quorum.

10. So soon as one hundred thousand dollars of the said capital stock have been subscribed and ten per cent. thereof paid into some chartered bank in Canada to the credit of the Company, the provisional directors, or any three of them, may call a general meeting of the shareholders of the Company to be held at the city of Ottawa, at such time as they determine, for the purpose of passing or ratifying the by-laws of the Company, of electing directors and of considering and determining upon any other business specified in the notice calling such meeting; and notice in writing, signed by the provisional directors calling any such meeting, of the date and place of holding the same, mailed by registered letter to the address of each shareholder not less than ten days previously, shall be deemed sufficient notice of such meeting.

First meeting of shareholders and proceedings thereat.

Notice thereof.

11. The directors and provisional directors of the Company may act notwithstanding any vacancy in their number: Provided, that if the number falls below three, the directors shall not, except for the purpose of filling vacancies, have

Vacancies in the board of directors.

power to act so long as the number is below the said minimum.

Calls on
stock.

12. A call shall be deemed to have been duly made at the time when the resolution of the directors authorizing such call was passed.

Head office
and domicile.

Service of
process.

Domicile in
Ontario.

13. The head office of the Company shall be at the city of Ottawa, but every place in Canada at or in which the Company has an office or place of business shall be deemed to be a domicile of the Company; so that if any cause of action or suit arises against the Company within the Province or Territory in which such domicile is situate, service of any writ or process in such action or suit may be validly made upon the Company at such domicile, by delivering the same to the person then in charge of such office or place of business: Provided that the domicile of the Company in the Province of Ontario shall be at the said city of Ottawa.

Section 18 of
R.S.C., c. 118
not to apply.

14. Section eighteen of "*The Companies Clauses Act*," shall not apply to the Company hereby incorporated.

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51 VICTORIA.

CHAP. 104.

An Act authorizing the Town of Kincardine, in the County of Bruce, to impose and collect certain Tolls at the Harbor in the said Town.

[Assented to 22nd May, 1888.]

WHEREAS the Corporation of the town of Kincardine Preamble.
have, in addition to the moneys granted to them by the Governor in Council, expended from time to time large sums of money, amounting to forty thousand dollars and upwards, being receipts from all sources, in improving the harbor at the said town, and the piers and wharves in connection therewith, and did, in order to raise a portion of the said sum of forty thousand dollars, under the authority of by-laws passed by the said Corporation, issue debentures to the amount of thirteen thousand dollars on the credit of the said Corporation; and whereas the improvements made at the said harbor are of great benefit and advantage to all persons conveying goods, wares, merchandise and chattels to and from the said town of Kincardine, and have afforded material facilities to navigation and entrance to and from the said harbor, and will, if maintained, continue to afford such advantages and facilities; and whereas also it is expedient further to improve the said harbor, piers and wharves; and whereas the Corporation of the town of Kincardine have, by their petition, prayed to be authorized to impose and collect tolls by by-laws on goods, wares, merchandise and chattels shipped on board of or landed from any vessel, boat or other craft in or at the said harbor at the said town of Kincardine or the basin or river connected therewith, and on logs, timber, spars or masts going into or upon or through the said harbor, and to employ the proceeds of such tolls, after deduction and payment of the expenses of the collection thereof, as hereinafter directed: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Corporation of the town of Kincardine is hereby authorized and empowered to pass by-laws for the imposition Corporation may levy harbor tolls.

Application thereof.

Not to exceed rates in schedule.

Approval of Governor in Council.

When tolls shall cease.

tion and collection of tolls, to be employed, after payment of the expenses of collection, for the purpose of improving the said harbor and keeping in repair the same and the piers and wharves in connection therewith, on all goods, wares, merchandise and chattels shipped or landed on board or out of any vessel, boat or craft from or upon any part of the said harbor, basin, piers or wharves, and upon all logs, timber, spars or masts going into or through or upon the same or any part thereof, the said tolls not to exceed the rates set out in the schedule to this Act: Provided, that the by-law or by-laws imposing the said tolls shall be approved by the Governor in Council before having any force or effect; and provided further, that the power to collect such tolls shall cease in fifteen years after the passing of this Act.

Sale of goods for non-payment of tolls.

Notice.

Perishable goods.

Vessels, &c., liable for tolls.

Return to Parliament.

To be subject to future legislation.

2. If any person neglects or refuses to pay the tolls or dues to be collected under this Act and under any by-law passed under the authority hereof, the said Corporation or their officer, clerk or servant duly appointed, may seize and detain the goods, wares, merchandise and chattels, logs, timber, spars or masts on which the same are due and payable until such tolls or dues are paid; and if the said tolls or dues are unpaid for the space of fifteen days after the day of such seizure, the said Corporation, or their officer, clerk or servant aforesaid, may, by public auction, sell and dispose of the said goods, wares, merchandise and chattels, logs, timber, spars or masts, or such part thereof as is necessary to pay the said tolls or dues and the reasonable costs and charges of keeping and selling the same, —giving six days' notice of such sale by publishing the same in any newspaper published in the said town of Kincardine, or by notice printed or written, to be posted up in four of the most conspicuous places in the said town, and returning the overplus, if any, to the owner or owners thereof: Provided, that perishable goods or goods dangerous to be kept may be sold in like manner by public auction after a delay of twenty-four hours, in default of payment of dues and charges.

3. Every vessel, boat or other craft on board of which goods, wares, merchandise, chattels and other things are shipped shall be liable for the tolls or dues chargeable against such goods, wares, merchandise, chattels and other things, and in the event of non-payment thereof these may be detained until payment thereof is made.

4. An annual return shall be made to Parliament of the amounts collected under the said by-law or by-laws and of the manner in which the same have been expended.

5. The said harbor of the town of Kincardine and the works thereof shall be subject to the provisions of any Act

or Acts of the Parliament of Canada passed hereafter for the construction, improvement, regulation or maintenance of the said harbor.

SCHEDULE.

									\$	cts.
Wheat,	per bushel	-	-	-	-	-	-	-		$\frac{1}{2}$
Rye	"	-	-	-	-	-	-	-		$\frac{1}{2}$
Barley	"	-	-	-	-	-	-	-		$\frac{1}{2}$
Flax seed	"	-	-	-	-	-	-	-		$\frac{1}{2}$
Beans	"	-	-	-	-	-	-	-	1	
Peas,	"	-	-	-	-	-	-	-		$\frac{1}{2}$
Oats	"	-	-	-	-	-	-	-		$\frac{1}{2}$
Timothy seed	"	-	-	-	-	-	-	-	2	
Clover seed	"	-	-	-	-	-	-	-	3	
Corn	"	-	-	-	-	-	-	-		$\frac{1}{2}$
Potatoes and other roots,	per bushel	-	-	-	-	-	-	-		$\frac{1}{2}$
Onions, per bushel		-	-	-	-	-	-	-		$\frac{1}{2}$
Onions, per barrel		-	-	-	-	-	-	-	1	
Apples, per bushel		-	-	-	-	-	-	-		$\frac{1}{2}$
Apples, per barrel		-	-	-	-	-	-	-	1	
Plums, per crate or basket		-	-	-	-	-	-	-		$\frac{1}{2}$
Peaches	"	-	-	-	-	-	-	-		$\frac{1}{2}$
Cranberries, per barrel		-	-	-	-	-	-	-	10	
Flour	"	-	-	-	-	-	-	-		$1\frac{1}{2}$
Oatmeal	"	-	-	-	-	-	-	-		$1\frac{1}{2}$
Cornmeal	"	-	-	-	-	-	-	-	1	
Pork	"	-	-	-	-	-	-	-	3	
Bacon and Ham, per 100 lbs		-	-	-	-	-	-	-		$1\frac{1}{2}$
Bacon and Ham, per ton		-	-	-	-	-	-	-	20	
Beef, per barrel		-	-	-	-	-	-	-	3	
Fish—Trout and Whitefish, per barrel		-	-	-	-	-	-	-		$1\frac{1}{2}$
Herring (Lake Huron)	"	-	-	-	-	-	-	-	1	
" (Salt Water)	"	-	-	-	-	-	-	-		$1\frac{1}{2}$
Salmon	"	-	-	-	-	-	-	-	2	
Cod Fish	"	per 100 lbs	-	-	-	-	-	-	1	
In boxes	"	"	-	-	-	-	-	-	2	
Water Lime and Plaster of Paris, per barrel		-	-	-	-	-	-	-	2	
Land Plaster, per barrel		-	-	-	-	-	-	-	1	
Potash	"	-	-	-	-	-	-	-	5	
Pearl Ash	"	-	-	-	-	-	-	-	5	
Salt imported in barrels or bags, per barrel or bag		-	-	-	-	-	-	-	1	
Salt exported	"	"	"	"	"	"	"	"	- Free.	
"	per ton	-	-	-	-	-	-	-		$\frac{1}{2}$
Molasses, per barrel		-	-	-	-	-	-	-	5	
Whiskey	"	-	-	-	-	-	-	-	15	
Beer, Ale or Porter, per barrel		-	-	-	-	-	-	-	10	
"	"	per half barrel	-	-	-	-	-	-	5	
"	"	per quarter barrel	-	-	-	-	-	-	3	
"	"	bottled, per barrel	-	-	-	-	-	-	5	

	\$	cts.
Brandy, per barrel - - - - -	40	
“ per keg or half barrel - - - - -	20	
“ bottled, in cases, per dozen - - - - -	5	
Gin or Rum, per barrel - - - - -	40	
“ per half barrel - - - - -	20	
“ per dozen, in case - - - - -	5	
Wines, per barrel - - - - -	30	
High-wines or Alcohol, per barrel - - - - -	40	
Vinegar “ - - - - -	5	
Paint Oil, boiled or raw “ - - - - -	15	
Coal Oil “ - - - - -	3	
All other Oils “ - - - - -	15	
Varnish, per gallon - - - - -	$\frac{1}{2}$	
Turpentine, per barrel - - - - -	20	
Sugar, per 100 lbs. - - - - -	1	
“ per barrel - - - - -	3	
Horses, per head - - - - -	10	
Cattle “ - - - - -	5	
Swine, Sheep or Calves, per head - - - - -	2	
Square or Round Timber, per 100 ft. running measure - - - - -	$2\frac{1}{2}$	
Sawed Lumber, per 1000 feet - - - - -	2	
Shingles, per square - - - - -	$\frac{1}{4}$	
Laths, per 1000 feet - - - - -	$\frac{1}{4}$	
Coal of all kinds, per ton - - - - -	2	
Pig or Scrap Iron “ - - - - -	8	
Bar or Wrought Iron and Steel, per ton - - - - -	15	
Nails or Spikes, per ton - - - - -	10	
General Hardware “ - - - - -	30	
Chain Cable Castings “ - - - - -	20	
Grindstones “ - - - - -	10	
Paints “ - - - - -	30	
Nursery Produce “ - - - - -	30	
Merchandise “ - - - - -	40	
Earthenware, per crate or hhd - - - - -	10	
Threshing Machines, each - - - - -	1.00	
Reaping and Mowing Machines, each - - - - -	30	
Horse Rakes, each - - - - -	15	
Harness, per set - - - - -	5	
Rollers “ - - - - -	10	
Straw Cutters, each - - - - -	5	
Root Shears “ - - - - -	5	
Ploughs “ - - - - -	5	
Double Waggon “ - - - - -	25	
Single Waggon or Buggies, each - - - - -	25	
Fanning Mills, each - - - - -	10	
Lard or Butter, per keg or firkin - - - - -	1	
Eggs, per barrel or box - - - - -	2	
Bricks, per 1000 - - - - -	4	
Bath Bricks, per box - - - - -	1	
Furniture, per ton - - - - -	50	

	\$	cts.
Hops, per 100 lbs. - - - - -	5	
Cheese " - - - - -	2	
Wool " - - - - -	5	
Hides or Skins, green, per 100 lbs. - - - - -	1	
" dry " - - - - -	2	
Hay, per ton - - - - -	10	
Leather, per ton - - - - -	50	
Stave Bolts, per cord - - - - -	1½	
Staves, per 1000 - - - - -	4	
Shingle Bolts, per cord - - - - -	3	
Bark " - - - - -	2	
Wood " - - - - -	2	
Cedar Posts, per 100 - - - - -	3	
R. R. Ties " - - - - -	5	
Field, Lake or small Quarry Stone, per cord - - - - -	5	
Quarried Sand Stone, per ton - - - - -	5	
Marble, per ton - - - - -	25	
All other articles not above mentioned, per ton - - - - -	40	

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51 VICTORIA.

CHAP. 105.

An Act to amend the Act to incorporate the Moncton Harbor Improvement Company.

[Assented to 4th May, 1888.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

44 V., c. 52 ;
s. 22 repealed.

1. Section twenty-two of the Act passed in the forty-fourth year of Her Majesty's reign, chaptered fifty-two, intituled "*An Act to incorporate the Moncton Harbor Improvement Company*," is hereby repealed and the following substituted therefor :—

Offices of the
company.

"**22.** The chief place of business of the Company shall be at the town of Moncton, in the Province of New Brunswick ; but the Company may, from time to time, by by-law, appoint and fix other places within or beyond the limits of Canada, at which the business of the Company may be transacted, and at which the directors or shareholders may meet, when called as determined by the by-laws ; or the Company may, by by-law, authorize the directors to fix and appoint such place or places of meeting, from time to time, as the said directors deem necessary."

Meetings.

Sections 24
and 25 repealed ;
new sections.
Borrowing
powers.

2. Sections twenty-four and twenty-five of the said Act are hereby repealed and the following substituted therefor :

"**24.** The Company may borrow, either in the Dominion of Canada or out of it, and either in sterling money or currency, and at such rate of interest as the directors from time to time agree upon, on mortgage bonds, debentures or other instruments, such sums of money from time to time as do not exceed in all the sum of five hundred thousand dollars ; and if, after having borrowed the whole or any part of such money, the Company pay off the same or part thereof, it shall be lawful for them again to borrow such sum as is necessary, and so, from time to time, to re-borrow, provided that the whole amount borrowed does not, at any time, exceed the sum of five hundred thousand dollars ; and for

Amount
limited.

securing the repayment of the money so borrowed, with interest, the Company may mortgage, encumber and assign the real estate, works, rates, revenues and rents, and all other sums of money or assets due, payable or coming due and belonging to the Company, or any of the same, and may give bonds or debentures in such manner as appears most expedient, payable either in currency or sterling money, and either within or without the Dominion; and such bonds, debentures or other securities to be granted may be made payable to bearer, or be made transferable by simple indorsement or otherwise, as the directors see fit: Provided always, that no such bond or debenture or other security shall be made or granted for a less sum than one hundred dollars."

Security by mortgage of company's property.

Form of bonds.

No bond for less than \$100.

"25. The respective obligees in such bonds or debentures, secured by the real estate, works, rates, revenues, rents or moneys of the Company, shall, proportionally according to the amount of money secured thereby, be entitled to be paid out of the real estate, works, rates, revenues, rents and moneys of the Company, the respective sums in such bonds or debentures or securities mentioned and thereby intended to be secured, without any preference one above another by reason of priority of date of any such bond, debenture or security or of the meeting at which the same was authorized, or otherwise howsoever."

Equal rights of bondholders.

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51 VICTORIA.

CHAP. 106.

An Act respecting the York Farmers Colonization Company.

[Assented to 22nd May, 1883.]

Preamble.

WHEREAS the York Farmers Colonization Company (Limited) was duly incorporated by letters patent under the Great Seal of Canada issued in pursuance of "*The Canada Joint Stock Companies' Act, 1877*," and dated the twelfth day of May, one thousand eight hundred and eighty-two, and recorded on the twenty-sixth day of May, one thousand eight hundred and eighty-two, in liber eighty-four, folio one hundred and sixty-seven, and the nominal capital stock of the said company was fixed at the sum of three hundred thousand dollars, divided into three thousand shares of one hundred dollars each; and whereas one hundred and fifty thousand dollars have been subscribed for and issued, the remaining one hundred and fifty thousand dollars thereof being still unissued; and whereas the Company have petitioned for authority to reduce the amount of their said capital stock and to accept surrenders of shares in their capital stock in lieu of lands and other property of the Company and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Capital stock reduced.

1. The capital stock of the said Company is hereby reduced to the sum of one hundred and eighty thousand dollars, divided into three thousand shares of sixty dollars each, so that the shares of the said capital stock shall hereafter be sixty dollars each instead of one hundred dollars,—the reduction of forty per cent. hereby made including the unpaid portion of the said shares to the extent of forty per cent.; and each of the present shareholders shall be holders of a like number of new shares, fully paid up, provided all previous calls have been paid thereon.

Surrender of shares and consideration therefor.

2. Any shareholder of the said Company may surrender to the Company the whole or part of the shares held by him,

him, and may receive from the Company, in consideration thereof, lands or other property of the Company, and the Company may accept from any shareholder a surrender of the whole or part of the shares held by him, and may grant, convey and transfer to the shareholder, in consideration thereof, lands or other property of the Company; and on such surrender being made the shares so surrendered shall be, *ipso facto*, cancelled, and the capital stock of the Company and the number of shares thereof shall thereby become reduced accordingly.

Effect of surrender.

3. No lands or other property of the Company shall be granted, conveyed or transferred in consideration of surrendered shares, except in accordance with the terms and conditions of a by-law or by-laws passed at a general meeting of shareholders.

Transfer of land to be under by-law

4. Nothing in this Act shall lessen or vary the liability of the shareholders of the said Company to the present creditors thereof.

Creditor's rights saved.

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51 VICTORIA.

CHAP. 107.

An Act to amend the Act to incorporate the Board of Management of the Church and Manse Building Fund of the Presbyterian Church in Canada, for Manitoba and the North-West.

[Assented to 22nd May, 1888.]

Preamble.

46 V., c. 97.

WHEREAS the Board of Management of the Church and Manse Building Fund of the Presbyterian Church in Canada, for Manitoba and the North-West, have prayed that the Act passed in the forty-sixth year of Her Majesty's reign, chaptered ninety-seven, incorporating the said board may be amended, and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Operations of the board may be extended.

1. Notwithstanding anything contained in the said Act, the objects for which the corporation thereby created was incorporated, as expressed in the second section of the said Act, and all the powers conferred upon the said corporation, as expressed in the fourth section of the said Act, shall not be limited to the Province of Manitoba and the North-West, but shall extend to and may be exercised throughout all that part of the Dominion of Canada which is, at the time of the passing of this Act, included within the limits or bounds of the Synod of the Presbyterian Church in Canada known as and styled "The Synod of Manitoba and the North-West Territories."

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51 VICTORIA.

CHAP. 108.

An Act to incorporate the Nisbet Academy of Prince Albert.

[Assented to 22nd May, 1888.]

WHEREAS the Rev. Robert Jardine, B.D., the Rev. Preamble.
Alexander Campbell, B.A., Alexander Sproat, D.L.S.,
James Macarthur, Hugh U. Bain, M.D., John Stewart, Robert
Crawford, M.N.W.C., James Clinkskill, the Rev. James
Robertson, the Rev. Alexander Urquhart, Adam McBeath
and William Craig have, by their petition, represented that
an educational institution has been for some time and is now
in operation in the town of Prince Albert, in the Provisional
District of Saskatchewan, in connection with and under the
authority of the General Assembly of the Presbyterian
Church in Canada; and whereas it would tend to advance
and extend the usefulness of the said institution and pro-
mote the purposes for which it has been established, that it
should be incorporated; and whereas the said persons have,
by their said petition, prayed to be incorporated: Therefore
Her Majesty, by and with the advice and consent of the Sen-
ate and House of Commons of Canada, enacts as follows:—

1. The Rev. Robert Jardine, B.D., the Rev. Alexander Incorporation.
Campbell, B.A., Alexander Sproat, D.L.S., James Macarthur,
Hugh U. Bain, M.D., John Stewart, Robert Crawford,
M.N.W.C., James Clinkskill, the Rev. James Robertson,
the Rev. Alex. Urquhart, Adam McBeath and William
Craig, and such persons as may, from time to time, be
elected as trustees, as hereinafter provided, and their suc-
cessors, shall be and are hereby constituted a body politic and
corporate, by and under the name of "The Trustees of the Corporate
Nisbet Academy of Prince Albert," for the education of youth name.
of both sexes in the various branches of liberal culture and
classical and scientific knowledge, and for the imparting of
moral and religious instruction in harmony with the princi-
ples of the Presbyterian Church in Canada.

2. The said Corporation may, from time to time, acquire, Powers as to
hold, possess and enjoy, and may have, take, and receive for real estate,
them necessary for
Academy.

them and their successors any lands, tenements and real and immovable property and estate necessary for actual use and occupation as Academy buildings and offices, residences for the teachers, students and officers, with gardens or pleasure grounds pertaining thereto, and the same may sell, alienate and dispose of, and others in their stead purchase, acquire and hold for the uses and purposes aforesaid.

Powers as to
other real
estate.

3. The Corporation may acquire any other real estate or interest therein by purchase, gift, devise, or bequest, and may hold such estate, or interest therein for a period of not more than ten years; and the same or any part thereof or interest therein which has not within the same period been alienated or disposed of shall revert to the

Investment of
proceeds. ~~the~~

party from whom the same was acquired, his heirs or other representatives; and the proceeds of such property as has been disposed of during the said period may be invested by the board of trustees in the public securities of the Dominion of Canada or of the several Provinces, or on first mortgages on improved real estate, or in other approved securities, for the use of the Corporation.

Board of trust-
tees.

4. The affairs of the Corporation shall be managed by a board of trustees consisting of twelve members, and the said Robert Jardine, Alexander Campbell, Alexander Sproat, James Macarthur, Hugh U. Bain, John Stewart, Robert Crawford, James Clinkskill, James Robertson, Alexander Urquhart, Adam McBeath and William Craig shall be, and are hereby constituted a provisional board of trustees, and shall continue to hold office until a board of trustees is appointed as hereinafter mentioned.

Appointment
of the board.

5. The board of Trustees shall be appointed by the Synod of Manitoba and the North-West Territories of the Presbyterian Church in Canada, in such manner as the Synod from time to time determines, and any vacancy occurring from time to time by death, resignation or from any other cause shall be filled by the said Synod in the like manner. The trustees shall have power to act notwithstanding any vacancy or vacancies at the board. In the event of the said Synod of Manitoba and the North-West Territories being at any time divided by the General Assembly into two or more Synods, then the right of appointment to the said board of trustees shall vest in that Synod of the Presbyterian Church in Canada, by whatever name known, within whose bounds the said Academy is situated. The board of trustees shall report annually to the Synod.

If the Synod
is divided.

Annual re-
port.

Powers of the
board.

6. The board of trustees shall have the whole management of the financial affairs of the Corporation, shall receive and disburse all moneys, control, keep and manage all its property and transact all business relating to property

and moneys committed to its care, and shall, at all times, and in all things, observe and obey the orders and instructions of the said Synod.

7. The principal and first male assistant of the Academy, together with three members of the board of trustees nominated by the said board annually for the purpose, shall constitute the executive of the Academy, to whom shall be entrusted the reception, academical superintendence and discipline of the students and of all persons within the Academy.

The executive and its powers.

8. The power of appointing and removing teachers in the Academy is vested in the board of trustees.

Appointment of teachers.

9. The Synod may, from time to time, make rules or by-laws for the government of the Corporation and for the guidance of the board of trustees, and may alter, amend and annul the said rules or by-laws from time to time, provided that such rules or by-laws are not contrary to this Act or repugnant to the laws in force in the North-West Territories.

Synod may make by-laws.

10. The said rules or by-laws, and any alterations thereof or amendments thereto, shall be entered from time to time in a book furnished by the Corporation for such purpose, and signed by the Moderator of the Synod at which they are adopted or passed, and by the clerk thereof, and such book shall be deposited among the records of the Corporation.

By-laws to be recorded.

11. A copy of the said rules or by-laws, certified by the clerk or one of the clerks (if there be more than one) of the said Synod, shall be admitted and received as evidence of the said rules or by-laws and of the contents thereof in any court in the North-West Territories, and for all purposes, without proof of the signature of the said clerk.

Evidence of by-laws.

12. The General Assembly of the Presbyterian Church in Canada may appoint annually two visitors to whom the books, accounts and affairs of the Academy shall be open for inspection, and who shall have power to report to the General Assembly on all matters affecting the Academy, as they deem advisable.

Visitors.

13. All and every the estate and property, real and personal, held by any person as trustee for or on behalf of the educational institution mentioned in the preamble of this Act, and all debts, claims and rights due to any person for the purposes of the said institution are hereby vested in the Corporation hereby established, and all debts due by,

As to existing property and liabilities of the institution.

and all claims against, any person on behalf of the said institution shall be paid, discharged and satisfied by the said Corporation.

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51 VICTORIA.

CHAP. 109.

An Act for the relief of Andrew Maxwell Irving.

[Assented to 22nd May, 1888.]

WHEREAS Andrew Maxwell Irving, of the city of ^{Preamble.} Toronto, in the Province of Ontario, clerk, has, by his petition, humbly set forth that on the thirty-first day of August, in the year of Our Lord one thousand eight hundred and eighty-five, he was married to Marie Louise Irving, formerly Marie Louise Skelton; that there was born of the said marriage one child, still living; that on the first day of October, one thousand eight hundred and eighty-seven, the said Marie Louise Irving deserted her said husband and went to the city of Buffalo, in the State of New York, and has not since the said first day of October, one thousand eight hundred and eighty-seven, resided with the said Andrew Maxwell Irving; that shortly after the said Marie Louise Irving deserted him as aforesaid he the said Andrew Maxwell Irving discovered, as the fact was, that the said Marie Louise Irving had been leading an irregular life, and had been committing adultery with divers persons during the months of July, August, September and October, in the year of Our Lord one thousand eight hundred and eighty-seven; and whereas the said Andrew Maxwell Irving has humbly prayed that the said marriage may be dissolved so as to enable him to marry again, and that the custody of the said child may be given to him, and that such further relief may be afforded him as may be deemed meet; and whereas the said Andrew Maxwell Irving has proved the allegations in his said petition, and has established the acts of adultery therein set forth, and it is expedient that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The marriage between the said Andrew Maxwell Irving and the said Marie Louise Irving, his wife, is hereby ^{Marriage dissolved.} dissolved, and shall be from henceforth null and void to all intents and purposes whatsoever.

A. M. Irving
may marry
again.

2. The said Andrew Maxwell Irving may, at any time hereafter, contract matrimony with any other woman whom he might lawfully marry in case the said first mentioned marriage with the said Marie Louise Irving had not been solemnized.

Rights of his
subsequent
issue.

3. In case of the said Andrew Maxwell Irving hereafter marrying any woman whom it would have been lawful for him to marry if he and the said Marie Louise Irving had not intermarried, and of there being any issue born to him of such subsequent marriage, the said issue so born shall be and the same are hereby declared to be to all intents and purposes legitimate, and the right of them, the said issue, and each of them, and their respective heirs, as respects their and each of their capacity to inherit, have, hold, enjoy and transmit all and all manner of property, real or personal, of any nature or kind whatsoever from any person or persons whomsoever, shall be and remain the same as they would have been, to all intents and purposes whatsoever, if the marriage between the said Andrew Maxwell Irving and Marie Louise Irving had not been solemnized.

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51 VICTORIA.

CHAP. 110.

An Act for the relief of Catherine Morrison.

[Assented to 22nd May, 1888.]

WHEREAS Catherine Morrison, of the city of Ottawa, in the County of Carleton and Province of Ontario, wife of John F. Morrison, hath, by her petition, humbly set forth that, on the fifth day of October in the year of our Lord one thousand eight hundred and eighty, she was lawfully married to the said John F. Morrison, at the city of Montreal, in the Province of Quebec, according to the rites and ceremonies of the Presbyterian Church of Canada in connection with the Church of Scotland; that the said marriage was by license; that three children were born of said marriage, of whom one only, Catherine Margaret Morrison, survives; that the said Catherine Morrison and John F. Morrison lived and cohabited together as husband and wife from the date of such marriage up to about the first day of January, one thousand eight hundred and eighty-three, when the said Catherine Morrison, owing to cruel assaults on her person by the said John F. Morrison, was obliged to withdraw from his residence and to reside with her father; that subsequently, becoming reconciled, the said Catherine Morrison and the said John F. Morrison again lived and cohabited together as man and wife from about the first day of April, one thousand eight hundred and eighty-five, up to the ninth day of June, one thousand eight hundred and eighty-seven; that during said interval the said John F. Morrison was much addicted to the use of intoxicating liquors and was accustomed to cruelly assault and otherwise ill-treat the said Catherine Morrison; that on said last mentioned day the said John F. Morrison deserted the said Catherine Morrison and, whilst he was married as aforesaid, on said last mentioned day at the said city of Ottawa, feloniously and unlawfully did marry and take to wife one Maria Sullivan, against the form of the Statute in that case made and provided, and subsequently did commit adultery with the said Maria Sullivan, both at the city of Ottawa, and in the county of Carleton; that subsequently the said John F.

Preamble.

Morrison was duly convicted of said felony by a court of competent jurisdiction holden at Ottawa aforesaid, and sentenced to a term of penal servitude of two years with hard labor, which sentence he is now undergoing; that the said Catherine Morrison made the discovery of the said adultery about the eleventh day of June, one thousand eight hundred and eighty-seven, and has never cohabited with her said husband since, but has since lived apart from him; and that the said Catherine Morrison is desirous of having the said marriage dissolved, annulled and put an end to, so that she may be free from the same, and may be enabled to contract matrimony with any other person with whom it would be lawful for her to contract matrimony if they the said Catherine Morrison and John F. Morrison had not intermarried, and that she may have the custody of the said child; and whereas it is expedient that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said Catherine Morrison and the said John F. Morrison, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Control of child.

2. The said Catherine Morrison shall have the custody and sole control of the person of her said daughter, Catherine Margaret Morrison, without any right of interference whatsoever on the part of the said John F. Morrison.

C. Morrison may marry again.

3. The said Catherine Morrison may, at any time hereafter, marry any other man whom she might lawfully marry in case the said marriage had not been solemnized.

Rights of her subsequent issue.

4. In case of the said Catherine Morrison again contracting matrimony with any person with whom it would have been lawful for her to contract matrimony if they the said Catherine Morrison and the said John F. Morrison had not intermarried and having any issue born of her to such person, the said issue shall be, to all intents and purposes, legitimate, and the rights of them the said issue and each of them and of their respective heirs, as respects their and each of their capacity to inherit, have, hold, enjoy and transmit all and any manner of property, real and personal, of what nature or kind soever, from any person or persons whomsoever, shall be and remain the same as they would have been to all intents and purposes whatsoever, if the said marriage between the said Catherine Morrison and John F. Morrison had not taken place.



51 VICTORIA.

CHAP. III.

An Act for the relief of Eleonora Elizabeth Tudor.

[Assented to 22nd May, 1888.]

WHERAS Dame Eleonora Elizabeth Tudor, of the city of Preamble.
Montreal, in the Province of Quebec, wife of Frederick
Levey Hart, of the same place, gentleman, hath, by her
petition, set forth that, on the fourth day of October, one
thousand eight hundred and seventy one, she was law-
fully married at the city of Boston, in the State of Massa-
chusetts, one of the United States of America, to the said
Frederick Levey Hart; that they cohabited together as
husband and wife until the year one thousand eight hund-
red and eighty-four, when the said Frederick Levey
Hart became a constant and habitual frequenter of
houses of ill-fame in the said city of Montreal, and com-
mitted adultery with certain women named in the
evidence; that the said Frederick Levey Hart has ever
since continued to live apart from the said Eleonora Eliza-
beth Tudor, and has by his said conduct dissolved the
bonds of matrimony on his part; and that there were born
of the marriage of the said Eleonora Elizabeth Tudor with
the said Frederick Levey Hart four children now living,
namely, Mary Edith Effie Tudor Hart, aged about fifteen
years, Ernest Percival Tudor Hart, aged about fourteen
years, Edith Ethel Alice Hart, aged about eleven years, and
William Owen Tudor Hart, aged about three years; and
whereas the said Eleonora Elizabeth Tudor has humbly
prayed that the said marriage may be dissolved and that
she be authorized and empowered to marry again, and that
she may have the custody and sole and absolute control of
the said children, Mary Edith Effie Tudor Hart, Ernest
Percival Tudor Hart, Edith Ethel Alice Hart, and William
Owen Tudor Hart, issue of her marriage with the said
Frederick Levey Hart, and that such further relief may be
afforded her as may seem meet; and whereas the said Eleo-
nora Elizabeth Tudor has proved the allegations of her said
petition, and has established the adultery above mentioned,
and it is expedient that the prayer of her said Petition

should be granted : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Marriage dissolved.

1. The said marriage between the said Eleonora Elizabeth Tudor and Frederick Levey Hart, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

E. E. Tudor may marry again.

2. The said Eleonora Elizabeth Tudor may, at any time hereafter, marry any man whom she might lawfully marry in case the said marriage with the said Frederick Levey Hart had not been solemnized.

Custody of children.

3. The said Eleonora Elizabeth Tudor shall have the permanent custody and sole and absolute control of the persons of her said children, Mary Edith Effie Tudor Hart, Ernest Percival Tudor Hart, Edith Ethel Alice Hart, and William Owen Tudor Hart, without any right of interference whatsoever on the part of the said Frederick Levey Hart.

Rights of her subsequent issue.

4. In the case of the said Eleonora Elizabeth Tudor hereafter marrying, she and the man whom she so marries, and the issue, if any, of such marriage, shall have and possess the same rights in every respect as if her said marriage with the said Frederick Levey Hart had not been solemnized.

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